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ANNUAL
SCHOOL REPORT

ILLINOIS REGISTER

Rules of Government

1914-1915

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Secretary of State

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Administrative Code Div.
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ILLINOIS REGISTER

Rules of Governmental Agencies

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INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. Rulemaking activity consists of proposed or adopted new rules or amendments to or repealers of existing rules, including those by emergency or peremptory action.

The *Register* also contains Executive Orders and Proclamations issued by the Governor, notices of public information required by State statute, and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies. In addition, the *Register* contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current *Register* volume and a Sections Affected Index listing, by Title of the *Illinois Administrative Code*, each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume. Both indices are action coded and are designed to aid the public in monitoring rules.

The *Register* will serve as the update to the *Illinois Administrative Code*, a compilation of the rules of State agencies. The most recent edition of the *Code* along with the *Register* comprise the most current accounting of the State agencies' rules.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1985, ch. 127, pars. 1001 et seq., as amended).

REGISTER PUBLICATION SCHEDULE 1989

Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:
Dec. 20, 1988	Dec. 27, 1988	1	Jan. 6, 1989	June 27, 1989	July 3, 1989 (Mon.)	28	July 14, 1989
Dec. 27, 1988	Jan. 3, 1989	2	Jan. 13, 1989	July 3, 1989 (Mon.)	July 11, 1989	29	July 21, 1989
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Jan. 10, 1989	Jan. 17, 1989	4	Jan. 27, 1989	July 18, 1989	July 25, 1989	31	Aug. 4, 1989
Jan. 17, 1989	Jan. 24, 1989	5	Feb. 3, 1989	July 25, 1989	Aug. 1, 1989	32	Aug. 11, 1989
Jan. 24, 1989	Jan. 31, 1989	6	Feb. 10, 1989	Aug. 1, 1989	Aug. 8, 1989	33	Aug. 18, 1989
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Feb. 14, 1989	Feb. 21, 1989	9	Mar. 3, 1989	Aug. 22, 1989	Aug. 29, 1989	36	Sept. 8, 1989
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Apr. 25, 1989	May 2, 1989	19	May 12, 1989	Oct. 31, 1989	Nov. 7, 1989	46	Nov. 17, 1989
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May 9, 1989	May 16, 1989	21	May 26, 1989	Nov. 14, 1989	Nov. 21, 1989	48	Dec. 1, 1989
May 16, 1989	May 23, 1989	22	June 2, 1989	Nov. 21, 1989	Nov. 28, 1989	49	Dec. 8, 1989
May 23, 1989	May 30, 1989	23	June 9, 1989	Nov. 28, 1989	Dec. 5, 1989	50	Dec. 15, 1989
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June 20, 1989	June 27, 1989	27	July 7, 1989	Dec. 26, 1989	Jan. 2, 1990	2	Jan. 12, 1990

Please note: When the *Register* deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED RULES

1) Heading of Part: Agrichemical Facilities2) Code Citation: 8 Ill. Adm. Code 255

3) Section Numbers:	Proposed Action:	Section Numbers:	Proposed Action:
255.10	New Section	255.90	New Section
255.20	New Section	255.100	New Section
255.30	New Section	255.110	New Section
255.40	New Section	255.120	New Section
255.50	New Section	255.130	New Section
255.60	New Section	255.140	New Section
255.70	New Section	255.150	New Section
255.80	New Section	255.160	New Section
		255.170	New Section

4) Statutory Authority: Illinois Pesticide Act (Ill. Reg. Stat. 1987, ch. 5, pars. 802, 803, 804, 805, 808, 814, 815, 818, 819, 820 and 822, as amended by P.A. 85-1327, effective August 31, 1988) and the Illinois Fertilizer Act of 1961 (Ill. Rev. Stat. 1987, ch. 5, pars. 55.2, 55.3, 55.7, 55.14, 55.18a, as amended by P.A. 85-1327, effective August 31, 1989).

5) A Complete Description of the Subjects and Issues Involved:

These rules were developed by the Illinois Department of Agriculture and the Illinois Environmental Protection Agency with valuable input from the Secondary Containment Rules Committee, which was made up of industry and academia.

The purpose of these rules is to protect the environment by prevention of point source contamination by agrichemicals and these rules will be referenced by the Illinois Environmental Protection Agency in their setback rules which are to be filed with the Pollution Control Board as mandated by the Illinois Groundwater Protection Act.

These rules regulate agrichemical facilities and non-commercial agrichemical facilities. An agrichemical facility is a site used for commercial purposes, where bulk pesticides are stored in a single container in excess of 300 gallons of liquid pesticide or 300 pounds of dry pesticide for more than 30 days per year or where more than 300 gallons of liquid pesticide or 300 pounds of dry pesticide are being mixed, repackaged or transferred from one container to another within a 30-day period or a site where bulk fertilizers are stored, mixed, repackaged or transferred from one container to another. Non-commercial agrichemical facility is a site where storing pesticides or fertilizer for more than 45 consecutive days in a single container holding in excess of 300 gallons bulk liquid pesticides, or 300 pounds bulk dry pesticides, or 5000 gallons bulk liquid

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commercial fertilizer or 50,000 pounds bulk dry commercial fertilizer; or the loading and mixing, including bulk repackaging, of pesticides or fertilizer at a permanent site for more than a 45 day period in quantities in excess of the amounts established; or the non-commercial application of pesticides or fertilizer.

These rules set forth the procedures and time frames for registration, permitting, and construction. They also address general construction requirements for secondary containment of storage tanks and operational areas, as well as recordkeeping, management and operational procedures. They further delineate facility inspection, maintenance and closure requirements. Additionally, these rules set forth guidelines for connections to potable water supplies and the open burning of agrichemicals, agrichemical containers, and other agri-related chemical wastes.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed rule contain incorporations by reference? None requiring prior JCAR approval.

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local governments.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

A public hearing on the proposed amendments will be held on March 20, 1989, at 9:30 a.m., Department of Agriculture, State Fairgrounds, Springfield, Illinois. Persons unable to attend the hearing may present their comments on the proposed rulemaking in writing to the Director, Department of Agriculture, State Fairgrounds, Springfield, Illinois 62794-9281. Mailed comments must be postmarked no later than 45 days from the date of publication in the Illinois Register. All comments received will be fully considered by the agency.

This proposed rulemaking may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, small businesses may present their comments to the Director as outlined above.

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: February 16, 1989
- B) Types of small businesses affected: Agrichemical facilities and

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non-commercial agricultural facilities as defined in these rules, registered professional engineers

C) Reporting, bookkeeping or other procedures required for compliance:

All agricultural facilities and non-commercial agricultural facilities must register on forms provided by the Department. An Agricultural Facility Permit application must be submitted to the Department and the application must be accompanied by plans and specifications, prepared by a registered professional engineer if required by the Illinois Registered Professional Engineering Act, for any construction or modification to be accomplished pursuant to the Permit. A permit shall be obtained before the commencement of any construction or amended before the commencement of any modification to the facility. Requests for Permits for innovative designs must be accompanied by a registered professional engineer's statement certifying that the design shall provide protection to the environment equivalent to that required in this Part. Records to be kept at the facility include plot plans of the property and surface water runoff, tank schedule, secondary and operational area containment construction plans, manufacturer's confirmation of compatibility with agricultural and installation instructions if synthetic liners or synthetic materials are used, operational plan for containment areas, storage and handling instructions on each pesticide, spill reports, state inspection reports, and facility inspection and maintenance reports. Facilities must have secondary containment structures and systems constructed and with the capacities set forth in the rules. Facilities must comply with operational area containment and containment management and operation requirements. When a site closes, the agricultural materials must be disposed in accordance with the product's label or as a special or hazardous waste. Weekly inspections of secondary containment structures, storage containers and appurtenances are required except when agricultural materials are not being stored. Requirements for storing and handling dry fertilizers include containment requirements. Dry fertilizer blending operations must contain dust and vapor control and provide for the total collection and reuse of any spilled fertilizer. Potable water supply lines shall not be connected to process water lines, chemical lines or equipment, unless proper backflow protection is installed. Open burning of agricultural materials, agricultural containers and agricultural related wastes must be done in compliance with the requirements established.

D) Types of professional skills necessary for compliance:
Basic management and recordkeeping.

The full text of the Proposed Rules begins on the next page:

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER 1: DEPARTMENT OF AGRICULTURE
SUBCHAPTER 1: PESTICIDE CONTROL

PART 255
AGRICULTURAL FACILITIES

Section	
255.10	Definitions
255.20	Incorporation by Reference
255.30	Scope and Application
255.40	Registration
255.50	Permits and Compliance Schedule
255.60	Experimental Permits
255.70	Agricultural Facility Plans, Specifications and Records
255.80	Secondary Containment
255.90	Operational Area Containment
255.100	Storage Containers and Appurtenances
255.110	Containment Management and Operations
255.120	Site Closures and Discontinuation of Operations
255.130	Inspection and Maintenance
255.140	Dry Fertilizer Storage and Handling
255.150	Dry Fertilizer Blending Operations
255.160	Connections to the Potable Water Supply
255.170	Open Burning

AUTHORITY: Implementing and authorized by the Illinois Pesticide Act (Ill. Rev. Stat. 1987, ch. 5, par. 801 et seq., as amended by P.A. 85-1327, effective August 31, 1988) and the Illinois Fertilizer Act of 1961 (Ill. Rev. Stat. 1987, ch. 5, par. 55.1 et seq., as amended by P.A. 85-1327, effective August 31, 1988).

SOURCE: Adopted at 13 Ill. Reg. _____, effective _____.

Section 255.10 Definitions

Definitions for the rules of this Part can be located in Section 3 of the Illinois Fertilizer Act of 1961 (Ill. Rev. Stat. 1987, ch. 5, par. 55.3) and Section 4 of the Illinois Pesticide Act (Ill. Rev. Stat. 1987, ch. 5, par. 804). The following definitions shall also apply to the rules of this Part:

"Agricultural materials" means pesticides or commercial fertilizers, at an agricultural facility, but does not include anhydrous ammonia fertilizer material.

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"Agricultural facility" means a site used for commercial purposes, where bulk pesticides are stored in a single container in excess of 300 gallons of liquid pesticide or 300 pounds of dry pesticide for more than 30 days per year or where more than 300 gallons of liquid pesticide or 300 pounds of dry pesticide are being mixed, repackaged or transferred from one container to another within a 30-day period or a site where bulk fertilizers are stored, mixed, repackaged or transferred from one container to another.

"Alterations" means permanent changes in activities or processes at an agricultural facility or changes in stored and handled product mix which do not adversely affect the efficiency of containment structures or systems.

"Commercial" means buying and selling agricultural and agricultural services for compensation.

"Load or loading" means the transfer of formulated pesticide at agricultural facilities from facility storage to application equipment resulting in use dilutions or the transfer of bulk pesticides to field nursing transportation equipment or the transfer of liquid fertilizer or dry fertilizer at facilities from facility storage to application equipment and field nursing transportation equipment.

"Mini-bulk container" means a portable container which is designed for transportation and has a capacity of not less than 100 gallons nor more than 660 gallons.

"Modification" means changes in structures, processes or activities at an agricultural facility which alters the efficiency of containment structures or systems.

"New" means an agricultural facility or non-commercial agricultural facility not in existence at the time of adoption of this Part or which undergoes modification where the fixed capital cost of construction exceed 50% of the fixed capital cost of a comparable entirely new facility and such modification occurs within a two-year period.

"Non-commercial agricultural facility" means a site, including the land and structures and equipment fixed

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thereon, designed and used for each of the following activities:

- a) storing pesticides or fertilizer for more than 45 consecutive days in a single container holding in excess of:
 - 1) 300 gallons bulk liquid pesticides; or
 - 2) 300 pounds bulk dry pesticides; or
 - 3) 5000 gallons bulk liquid commercial fertilizer; or
 - 4) 50,000 pounds bulk dry commercial fertilizer.
- b) loading and mixing, including bulk repackaging, of pesticides or fertilizer at a permanent site for more than a 45 day period in quantities in excess of:
 - 1) 300 gallons bulk liquid pesticides; or
 - 2) 300 pounds bulk dry pesticides; or
 - 3) 5000 gallons bulk liquid commercial fertilizer; or
 - 4) 50,000 pounds bulk dry commercial fertilizer.
- c) the non-commercial application of pesticides or fertilizer.

"Non-Mobile" means not readily capable of moving or being moved from place to place.

"Operational activity" means loading, unloading, and mixing of agriculturals and or the cleaning of transportation or application equipment at agricultural facilities.

"Operational area" means an area or areas at the agricultural facility where agriculturals are loaded, unloaded, mixed, repackaged, or where agriculturals are cleaned and washed from application, storage or transportation equipment.

"Operational area containment structure or system" means any structure or system used to intercept, prevent runoff or leaching, and contain spills and residues containing agriculturals from operational activities such as loading, unloading, mixing, and equipment washing and rinsing.

"Reportable Agricultural Spill" means an uncontrolled release outside an operational area containment or secondary containment structure involving more than 25 gal-

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lons of unrecovered liquid fertilizer or 100 pounds of unrecovered dry fertilizer or 5 pounds of unrecovered liquid or unrecovered dry active ingredient equivalent of pesticides except for reportable substances it means when the amount spilled equals or exceeds the RQ for those chemical substances.

"Reportable quantity" or "(RQ)" means a quantity that equals or exceeds the reportable quantity for substances listed in the Appendix to 49 CFR 172.101 (1988) or in Appendix A of 40 CFR 355 (1988).

"Reportable substance" means any substance listed in the Appendix to 49 CFR 172.101 (1988) or in Appendix A of 40 CFR 355 (1988).

"Secondary containment structure" means any structure or basin used to contain agricultural chemical spills and prevent runoff or leaching from bulk agricultural containers.

"Unload or unloading" means the transfer at agricultural facilities of formulated pesticide in an unaltered state from the transport vehicle into facility storage or the transfer of bulk commercial fertilizer in an unaltered state from the transport vehicle into facility storage.

Section 225.20 Incorporation by Reference

Incorporations by reference in this Part do not include any later amendments or editions beyond the date specified.

Section 255.30 Scope and Application

- a) Any new agricultural facility or new non-commercial agricultural facility shall be in compliance with all of the Rules of this Part before the commencement of any operational activities or any storage or use of agricultural chemicals.
- b) All other agricultural facilities and non-commercial agricultural facilities shall achieve compliance with the Rules of this Part in accordance with Section 255.40 and Section 255.50.
- c) An agricultural facility or non-commercial agricultural facility needs only to comply with the rules of this Part when agricultural chemicals are handled in quantities exceeding the thresholds included in the definitions of

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"agricultural facility" and "non-commercial agricultural facility."

- d) The Rules of this Part do not apply to the field mixing of agricultural chemicals for either commercial or non-commercial application.
- e) The rules of this Part do not apply to temporary loading sites remote from the field of actual application for aerial applicators except for Section 255.110(e).

Section 255.40 Registration

- a) All existing agricultural facilities and non-commercial agricultural facilities shall register with the Department within 90 days of the adoption date of this Part (the "adoption date").
- b) Registration pursuant to this Section shall be accomplished on forms to be provided by the Department. The Department shall develop such form to include whatever information it deems necessary to accurately reflect the scope of the agricultural operations at the site. In completing such registration, the facility owner or operator shall provide notification as to each of the following conditions which exist at the facility:

- 1) The facility holds a currently valid permit issued by the Illinois Environmental Protection Agency, Division of Water Pollution Control, for operational area containment structures, or that operational area containment structures exist which provide for the containment and recovery of operational activity spillage from mixing, loading and equipment washing.
- 2) Secondary containment for all non-mobile liquid fertilizer containers of volume less than 100,000 gallons or all non-mobile pesticide containers that exist, which provides capacity for at least 100% of the volume of the largest container within the containment area, and which provides for the containment and recovery of spillage or leakage from the containers in the containment area.
- 3) The conditions described in both Subsections (1) and (2) of this Section do not exist, and the facility is an agricultural facility.

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- 4) The facility contains at least one liquid fertilizer storage tank with capacity in excess of 100,000 gallons.
- 5) The facility conducts dry bulk fertilizer storage operations.
- 6) The facility conducts dry bulk fertilizer blending operations.
- 7) The facility is a non-commercial agrichemical facility.

c) The Department shall review completed registration forms within 180 days of the adoption date. The Department shall notify the registrant that the registration under Subsection (b) was incomplete or inappropriate for the subject facility. In the event of such notification, the Department shall inform the registrant of the additional information required to complete the registration or of the appropriate registration Subsection(s) for the facility, and the facility shall comply with the corresponding compliance schedule under Section 255.50.

Section 255.50 Permits and Compliance Schedules

- a) An Agrichemical Facility Permit ("Permit") issued by the Department shall be obtained for each existing and new agrichemical facility. Permit applications shall be submitted on forms provided by the Department. The application shall be accompanied by engineering plans and specifications for any construction or modification to be accomplished pursuant to the Permit. Such plans and specifications shall be prepared by an Illinois Registered Professional Engineer when required by the provisions of the Illinois Registered Professional Engineering Act (Ill. Rev. Stat. 1987, ch. 111, par. 5101 et seq.). A Permit shall be obtained before the commencement of any construction necessary to meet the earliest compliance date, as determined by the applicable subsection(s) below. A Permit must be amended before the commencement of any modification to the facility. A Permit amendment shall not be required for alterations at the facility. A Permit will be transferred to a new owner or operator upon written notification by the permittee to the Department.

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- b) An application for a Permit submitted by a corporation shall be signed by a principal executive officer of at least the level of vice president, or a duly authorized representative who is responsible for the overall operation of the agrichemical facility described in the application. In the case of a partnership or a sole proprietorship, the application shall be signed by a general partner or the proprietor respectively. In the case of a publicly-owned agrichemical facility, the application shall be signed by either a principal executive officer, ranking official or a duly authorized employee.
- c) The Department shall issue a Permit within 90 days after receipt of the application, provided the documents accompanying the application indicate that the agrichemical facility will be in compliance with Sections 255.80, 255.90, 255.100, 255.140, 255.150, and 255.160, as applicable and the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1001 et seq.). The Department shall allow an innovative design to satisfy the structural requirements of this Part if the application for a Permit is accompanied by a registered professional engineer's statement certifying that the design shall provide protection to the environment equivalent to that of this Part. All engineering costs shall be the responsibility of the person making the request. If the Department fails to grant or deny the Permit as requested or issue with conditions within 90 days from the date of receipt of the application, the applicant may deem the Permit granted for a one year period commencing on the 91st day after the application was received. If the application for a Permit is denied, the Department shall notify the applicant in writing as to why the permit was denied.
- d) An agrichemical facility which is registered pursuant to Section 255.40(b)(1) shall meet the following compliance schedule:

Item	Compliance Date
Submittal of all plans and specifications required for Permit approval	Two years after adoption date

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Compliance with Section 255.80 (except as provided in (h) below)

Three years after adoption date for bulk pesticides and four years for liquid fertilizers

Compliance with Section 255.90

Five years after adoption date

- e) An agricultural facility which is registered pursuant to Section 255.40(b)(2) shall meet the following schedule:

Item	Compliance Date
Submittal of all plans and specifications required for Permit approval	Two years after adoption date

Compliance with Section 255.90

Three years after adoption date

Compliance with Section 255.80

Four years after adoption date

- f) An agricultural facility which is registered pursuant to Section 255.40(b)(3) or which fails to register under Section 255.40 shall meet the following compliance schedule:

Item	Compliance Date
Submittal of all plans and specifications required for Permit approval	One year after adoption date

Compliance with Section 255.90

Two years after adoption date

Compliance with Section 255.80 (except as provided in (h) below)

Three years after adoption date for bulk pesticides and 4 years for liquid fertilizers

- g) An agricultural facility which is registered pursuant to both Section 255.40(b)(1) and Section 255.40(b)(2) shall meet the following compliance schedule:

Item	Compliance Date
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Submittal of all plans and specifications required for Permit approval

Three years after adoption date

Compliance with Section 255.80 and Section 255.90

Five years after adoption date

- h) An agricultural facility which is registered pursuant to Section 255.40(b)(4) shall be in compliance with Section 255.80 with respect to its liquid fertilizer storage tanks with capacity in excess of 100,000 gallons in accordance with the following schedule:

Item	Compliance Date
Notify Department of intent to take tank out of service or to comply with Section 255.80	Four years after adoption date

Submittal of all plans and specifications required for approval of amended permit

Five years after adoption date

Compliance with Section 255.80

Seven and 1/2 years after adoption date

- i) An agricultural facility which is registered pursuant to Section 255.40(b)(5) shall be in compliance with Section 255.140 within five years of the adoption date.

- j) An agricultural facility which is registered pursuant to Section 255.40(b)(6) shall be in compliance with Section 255.150 within five years of the adoption date.

- k) All non-commercial agricultural facilities shall be in compliance with all of the Rules of this Part within five years of the adoption date.

- l) Nothing in these Rules shall require the loading of pesticide into anhydrous ammonia nurse tanks to be accomplished within an operational area containment structure, provided that a closed transfer system is used.

Section 255.60 Experimental Permits

- a) To best aid the improvement of agricultural containment technology, the Department shall issue Experimental Per-

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mits for containment processes or techniques that do not satisfy the requirements of this Part, provided the applicant provides proof that the process or technique has a reasonably substantial chance for success.

- b) A valid Experimental Permit shall constitute a prima facie defense to any action brought against the permit holder for a violation of the Rules of this Part, but only to the extent that such action is based upon the failure of the process or technique.
- c) All Experimental Permits shall have a duration not to exceed two years.

- d) Application for renewal of an Experimental Permit shall be submitted to the Department at least 90 days prior to the expiration of the existing permit. To the extent the information to be supplied for renewal is identical with that contained in the prior permit application, the applicant shall so note on the renewal application, and the Department shall not require the submittal of data and information submitted with the original application.

Section 255.70 Agrichemical Facility Plans, Specifications and Records

- a) The following records shall be maintained at the agrichemical facility, and the records shall be available for review on request by the Department:

- 1) A plot plan of the property showing all structures and the location of all wells on the site.
- 2) A plot plan or map showing surface water runoff routes from the agrichemical facility, approximate distance to and identity of nearby lakes, streams, drainage ditches or storm drains, distance and direction to nearest public and private wells, and site soil characteristics and groundwater depth.
- 3) Tank schedule showing material of construction, capacity, diameter, height, and product stored.
- 4) Secondary and operational area containment construction plans and capacity of such structures in gallons. Manufacturer's confirmation of compatibility with agrichemicals, and installation instructions if synthetic liners or synthetic mate-

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rials are used. Manufacturer's confirmation of compatibility with agrichemicals and estimate of life expectancy if prefabricated basins are used.

- 5) Operational plan for containment areas showing the handling and utilization of recovered agrichemical, rinse water, and precipitation accumulation.
- 6) Storage and handling instructions on each pesticide handled in bulk (i.e., registrant's instructions).
- 7) Spill reports on all reportable spills associated with the agrichemical facility operation.
- 8) State inspection reports.
- 9) Agrichemical facility inspection and maintenance reports required of the operation in Section 255.130.
- b) Agrichemical facility specifications, records, plans or reports required under any other State or Federal regulatory program and which contain the information requested above may be used to fulfill this recordkeeping requirement.
- c) Non-commercial agrichemical facilities are not covered by provisions of this Section.

Section 255.80 Secondary Containment

- a) All agrichemical non-mobile storage containers for liquid pesticides and liquid fertilizer shall be located within a secondary containment structure.
- b) Secondary containment structures and systems shall provide the following capacity:
 - 1) When not protected from receiving precipitation, the containment shall have a minimum containment volume of a 6-inch rain storm (a 25 year, 24 hour rain), plus the capacity of the largest tank, and the volume displaced by the bases of the other tanks located within the secondary containment structure.
 - 2) When protected from receiving precipitation, the containment shall have a minimum containment volume of 100% of the capacity of the largest tank, plus

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B) Liners used for secondary containment of fertilizer may be constructed of suitable soil or of soil treated with bentonite clay or other comparable material, with a minimum depth of 12 inches provided the other floor requirements as stated in this Section are met. The liner shall be covered by a soil or smooth aggregate layer not less than 6 inches thick and shall be maintained to prevent cracking or puncture.

4) Prefabricated facilities: A prefabricated secondary containment structure shall be composed of a rigid prefabricated basin having both a base and walls constructed of steel, reinforced concrete or synthetic liner or synthetic materials which are resistant to corrosion, puncture or cracking. A written confirmation of compatibility and a written estimate of life expectancy from the basin manufacturer shall be kept on file at the agrichemical facility. Multiple basins connected to provide the capacity required in this Section shall be connected in a manner which assures an unrestricted transfer of discharged liquid between basins.

5) Drainage and Basin Facility: A drainage and basin facility diverts uncontaminated storm water drainage and provides secondary containment in accordance with this Section. The curb, base and drainage path shall be at least 12 inches thick and shall be constructed in lifts not to exceed 6 inches in thickness. Persons wishing to use a drainage and basin facility should consider the overall agrichemical facility plan, topography, subsoil type, water table location, and surface water drainage patterns.

d) Agrichemical facilities with mini-bulk containers filled and warehoused for product distribution shall:

- 1) Provide warehousing area secondary containment structures or systems equal in volume to the largest container stored, or:
- 2) Provide a current immediate response action plan for leakage or spillage and maintain necessary supplies and equipment to effect containment recovery and residue clean-up, in order to be in compliance with secondary containment provisions of this part.

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Section 255.90 Operational Area Containment

a) Except as provided in Section 255.140, all transfer of agrichemicals between containers including loading, unloading, repackaging and mixing, and equipment cleaning performed at an agrichemical facility or a non-commercial agrichemical facility shall be done with a containment system designed to intercept, retain, and recover operational and accidental spillage, leakage, wash water, and agrichemical residues. Materials of containment structures shall be compatible with the products handled and maintained in a condition to retain recovered material until it is used or properly disposed of.

b) General requirements for permanent operational containment structures consisting of floors, curbs, and walls include:

- 1) Floors, curbs, and walls of a permanent operational containment structure shall be constructed of reinforced concrete or other materials compatible with the agrichemical being handled.
- 2) A permanent operational area containment structure shall be sealed or otherwise maintained to provide a rate of permeability not to exceed 1 x 10⁻⁶ centimeters per second.
- 3) Cracks and seams that develop shall be repaired and sealed.
- 4) Storm water drainage shall be diverted away from all permanent containment structures.

c) Loading area containment: Total loading area containment volume shall be equal to or greater than the volume of the largest tank to be loaded in the loading area. If the loading area containment area is not protected from contact with precipitation, the containment volume shall be equal to or greater than the volume generated by a 6 inch rain storm (a 25 year, 24 hour storm). The loading area containment volume requirements may be achieved with a curbed containment area and catch basin or in combination with above ground tanks connected to an automatic sump pump transfer system or by gravity flow where elevation or installation allows.

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- d) Unloading area containment: Total unloading area containment volume shall be a minimum of 25 gallons. The loading area containment may be used as the unloading area containment. Individual catchment basins or portable containers may be used to meet the requirements of this Section. The individual basins or portable containers shall be placed to catch and recover spillage and leakage from transfer connections and pumps.
- e) Mixing and repackaging area containment: Mixing and repackaging containment areas shall provide curbing or other means (e.g., basins) to intercept, retain, and recover agricultural chemicals spilled or leaked during mixing and repackaging operations.
- f) Cleaning and washing area containment: Cleaning and washing of agricultural residue from handling, processing and application equipment at an agricultural facility or a non-commercial agricultural facility shall be done utilizing an operational containment system or structure. Cleaning and washing containment may be accomplished at the loading containment area. If a separate cleaning and washing area is used, it shall be designed to intercept, retain and recover all wash water and agricultural residue containing pesticides.

- g) Transfer structures and systems: The use of underground structures or pits for storage of rinsates, washwater or recycle liquid is prohibited. This prohibition includes scale pits but does not include sumps or wet wells containing pumps which are used for transfer of spilled agricultural chemicals, rinse waters or wash waters to containment, holding or recycle systems. Sumps or wet wells are structures which have detention times of 72 hours or less. Sumps or wet wells shall be constructed and maintained to provide a rate of permeability not to exceed 1 x 10⁻⁶ centimeters per second. Sumps and wet wells shall be inspected for cracks and leaks and sealed immediately if any cracks or leaks are found.

Section 255.100 Storage Containers and Appurtenances

- a) General: Storage containers and appurtenances shall be constructed, installed, and maintained so as to prevent the discharge of liquid agricultural chemicals and shall meet each of the following criteria:

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- 1) The materials used in construction shall be resistant to corrosion, puncture, or cracking and shall be compatible with the agricultural chemical being stored.
- 2) The materials used in construction and repair may not be of a type which reacts chemically or electrolytically with stored agricultural chemicals in a way which may weaken the storage container or appurtenances.
- 3) The metals used for valves, fittings, and storage container repair on metal containers shall be compatible with the metals used in the construction of the container so that the combination of metals does not cause or increase corrosion which may weaken the container or its appurtenances.
- 4) Containers and appurtenances shall be designed to handle operating stresses, taking into account hydrostatic head, pressure buildup from pumps and compressors, and any other foreseeable mechanical stresses to which the containers and appurtenances may be subject.
- b) Non-mobile agricultural storage containers shall be anchored or placed on a raised area if necessary to prevent flotation or instability in the event of agricultural discharge into the secondary containment structure.
- c) A liquid level gauging device or other provision for establishing and measuring liquid levels (e.g., tape measure) and tank outage tables shall be maintained for all non-mobile agricultural storage containers.
- 1) External sight gauges shall not be used with bulk pesticide storage containers.
- 2) External sight gauges may be used for liquid fertilizers and when used shall have a lockable bottom valve.
- d) Each non-mobile agricultural storage container shall be equipped with a vent or inverted opening. Where the loss of vapor affects the product quality, conservation vents shall be used on storage containers.
- e) Containers, pipes and valves shall be protected (e.g., guard rails, pipes and fittings supported to prevent

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sagging and breakage, and cages) against breakage or damage from operating personnel and moving vehicles.

- f) Security: When persons responsible for agricultural facility or non-commercial agricultural facility security are not present at the facility, the following conditions shall be met to protect against vandalism or unauthorized access:

- 1) Valves on non-mobile agricultural storage containers including sight gauge valves shall be locked in the closed position or otherwise secured to prevent discharge.
- 2) Valves subject to discharge of agriculturals on rail cars, mobil agricultural containers, and mini-bulk tanks shall be locked in a closed position or otherwise secured to prevent discharge.
- 3) Buildings or structures housing agricultural storage containers shall be locked.

Section 255.110 Containment Management and Operations

- a) Pesticides shall be stored, mixed, repackaged and handled in compliance with FIFRA, the Illinois Pesticide Act, and according to the product label. Physical and chemical properties, including volatility, toxicity and flammability should be considered by the facility operator when storing and handling agriculturals to prevent adverse effects on property, humans and the environment.
- b) Precipitation and accumulation shall never exceed a level that would impair the holding capacity of the secondary or operational area containment. Such precipitation accumulation should be removed from the secondary and operational area containment systems after each storm.
- 1) Precipitation accumulation containing agriculturals shall be used as provided in Section 255.110(f) or disposed of as provided in Section 255.110(h).
- 2) Precipitation accumulation from containment structures shall not be discharged from the containment area as surface runoff during the agricultural application season, except when the following conditions are met:

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- A) The containment structures have been cleaned and rinsed of agriculturals in compliance with Section 255.110(c) and (d).

- B) The discharge shall not cause water quality violations pursuant to 35 Ill. Adm. Code, Subtitle C, or a pesticide release pursuant to the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1001 et seq.).

- c) Agricultural spills into secondary containment structures shall be recovered promptly and the structures washed to remove agricultural contamination.

- d) Operational area containment shall be promptly cleaned and rinsed after any agricultural spill or leakage. The operational area containment shall also be cleaned and rinsed immediately after the termination of each agricultural application season. These facilities shall be washed with a biodegradable cleanser, triple rinsed with a high pressure hose and all standing water shall be removed. Proper cleaning of the operational area containment shall include removal, washing and rinsing of material from the operational area, mud, pits, sump pits and all interconnected pipes or structures.

- e) Discharges or spills of agriculturals, agricultural mixtures, rinsates and wash waters outside of secondary or operational area containment shall be immediately contained, material recovered to extent possible, and the area cleaned. Reportable agricultural spills shall be reported immediately by telephone to the Illinois Emergency Services and Disaster Agency any time during the day or night by calling 1-800-782-7860 or 1-217-782-7860.

- f) Agricultural, agricultural residues, rinsates, and agricultural contamination wash water recovered from the secondary and operational containment facilities shall be field applied at agronomic rates, used in a liquid mixing operation, or otherwise recycled or disposed of in accordance with these rules. Any pesticide laden residues, rinsates, and pesticide contaminated wash water that are to be land applied shall be handled in accordance with the products' labels. Field application of diluted pesticide solutions is an acceptable use if the total annual application amounts of the pesticide do not exceed the pesticide label application rates. Rin-

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sates and pesticide contaminated wash water may be used to make up the total spray mixture if the mixture does not exceed the pesticide label application rates.

- g) Field washing of exterior surfaces of agricultural application equipment is acceptable at the site of the agricultural application provided no runoff from the site occurs.

- h) Agrichemicals, agricultural residues, rinsates, and agricultural contaminated wash water shall not be disposed through storm sewers, sanitary sewer systems, public or private sewage treatment facilities or wells, waters of the State, nor to land, except as provided in Section 255.110(f) and (g).

- i) Agrichemicals and agricultural mixtures which cannot be used in accordance with the respective product's label or as set forth in this Section shall be disposed of as a special waste or hazardous waste as authorized by the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1001 et seq.) and the rules adopted under that Act (35 Ill. Adm. Code 724, 725 and 809).

- j) Empty pesticide containers shall be stored in the operational containment area or an area protected from contact with precipitation prior to disposal and such containers shall be triple rinsed or comparably cleaned (e.g., rinsed with pressure hose). Such containers shall be disposed of in accordance with the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1001 et seq.) and the rules adopted under that Act (35 Ill. Adm. Code 724 and 725).

- k) Spray application vehicles that are not cleaned as provided in Section 255.110(g) shall be parked in the operational containment area or protected from precipitation. Agricultural aircraft are not covered by this provision.

- l) Dry fertilizer application equipment with covered hoppers may be field clean by brushing the working end of the equipment to remove the fertilizer or clean as provided in Section 255.110(g) or protected from precipitation.

Section 255.120 Site Closures and Discontinuation of Operations

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When an agricultural facility or a non-commercial agricultural facility is closed or operations are discontinued, agricultural rinsates, wash waters, and other materials containing agricultural chemicals, and all agricultural containers shall be removed from the agricultural facility site and disposed of or utilized in one of the following manners:

- a) for the original intended purpose of the agricultural product, provided that the product is in a usable state, the product's registration (if required) has not been canceled, suspended, revoked, or denied by the United States Environmental Protection Agency or the Department, and label directions (where applicable) are followed; or

- b) as provided in Section 255.110(f), (h), (i), and (j).

Section 255.130 Inspection and Maintenance

- a) General: Every secondary containment structure shall be visually inspected at least once a week and maintained as necessary to assure compliance with this Section. A written record of all inspections and maintenance shall be made on the day of the inspection or maintenance and shall be kept at the facility, except as provided in Section 255.130(c) and (d).

- b) Inspection and maintenance: The operator of an agricultural facility or non-commercial agricultural facility shall once each week inspect and maintain storage containers and appurtenances to minimize the risk of a discharge. The operator shall inspect valves and other appurtenances for leakage at least once a week. The operator shall inventory, measure, and record the liquid level in each non-mobile agricultural storage container at least once a month, except as provided in Section 255.130(c).

- c) Inspections are not required when agricultural chemicals are not being stored.

- d) Non-commercial agricultural facilities are not covered by the recordkeeping provisions of this Section.

Section 255.140 Dry Fertilizer Storage and Handling

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- a) Dry fertilizer materials shall be stored and handled in a manner to prevent pollution by minimizing losses to the air, surface water, underground water or subsoil.
- b) Nonliquid fertilizers shall be stored inside a sound structure or device having a cover or roof top, side-walls and base sufficient to prevent contact with precipitation and surface waters.
- c) All loading, unloading, mixing and handling of dry fertilizer, unless performed in the field of application, shall be done using a containment method, device or structure. The containment method, device or structure shall be of a size and design that will contain the fertilizer and operated to minimize emission of dust and/or vapors beyond the facility boundaries. Any collected material shall be applied at agronomic fertilizer rates or otherwise recycled.

- d) Containment, devices or structures include, but not limited to, the following methods:

- 1) Paving and curbing of outdoor handling areas with materials which allow for collection and recycle or reuse of storm water, and which are sealed or otherwise maintained to provide a rate of permeability not to exceed 1 x 10-6 centimeters per second.
- 2) Enclosing conveyors and equipping conveyors with dust control boots. Manually extendable boots may be adaptable to upright and auger type conveyors.
- 3) Enclosing handling areas.
- 4) Collection and recycle of contaminated precipitation from rooftops of roof-filled storage structures.
- 5) Daily cleanup of the outside areas when in use.

Section 255.150 Dry Fertilizer Blending Operations

Dry fertilizer blending operations, including the process of impregnating fertilizer material with pesticides shall be conducted in a manner to provide for dust and vapor control and for total collection and reuse of any spilled fertilizer.

Section 255.160 Connections to the Potable Water Supply

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- a) General: Potable water supply lines shall not be connected to process water lines, chemical lines or equipment, unless proper backflow protection is installed.
- b) Water service lines which connect an agricultural facility or a non-commercial agricultural facility to a community public water supply shall include either a reduced pressure principle backflow preventer or a fixed proper air gap, in accordance with the Illinois Environmental Protection Agency Technical Policy Statement (35 Ill. Adm. Code 653.803(c)(4)).
- c) Water service lines which connect an agricultural facility or a non-commercial agricultural facility to a potable water supply other than a community public water supply shall include either a reduced pressure principle backflow preventer or a fixed proper air gap, in accordance with the Illinois Plumbing Code (77 Ill. Adm. Code 890).
- d) Installation, maintenance and inspection of such backflow prevention devices shall be carried out in accordance with Illinois Environmental Protection Agency Technical Policy Statement (35 Ill. Adm. Code 651 and 653) or the Illinois Plumbing Code (77 Ill. Adm. Code 890), whichever is applicable.

Section 255.170 Open Burning

- a) No person shall cause or allow open burning of agricultural, agricultural containers or other agricultural related wastes at an agricultural facility or a non-commercial agricultural facility, except as provided in this Section.
- b) Any disposal by burning of agricultural, agricultural containers or other agricultural related wastes at an agricultural facility or a non-commercial agricultural facility shall be performed with an incinerator that is in compliance with the Illinois Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1001 eq seq.) and rules adopted under that Act (35 Ill. Adm. Code 201).
- c) The open burning of combustible agricultural containers is permissible at the field where the chemicals are applied, provided the following conditions are met:

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- 1) Containers holding liquid agricultural formulations have been triple rinsed;
- 2) Containers holding dry or solid formulations have been emptied to the extent feasible;
- 3) Atmospheric conditions will readily dissipate the contaminants;
- 4) The burning does not create a visibility hazard on roadways, railroad tracks or air fields;
- 5) The burning occurs more than 1,000 feet from residential or other populated area;
- 6) It can be shown that it is the most efficient disposal method available;
- 7) The burning does not cause air pollution as defined in the Illinois Environmental Protection Act; and
- 8) The area where the burning occurs is not subject to State or local restrictions.

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- 1) Heading of Part: Farmland Preservation Act
- 2) Code Citation: 8 Ill. Adm. Code 700
- 3) Section Number: Proposed Action:

Appendix F

Amend

- 4) Statutory Authority: Farmland Preservation Act (Ill. Rev. Stat. 1987, ch. 5, pars. 1304 and 1306).

- 5) A Complete Description of the Subjects and Issues Involved:

Appendix F is the Department of Energy and Natural Resources' Agricultural Land Preservation Policy Statement and Cooperative Working Agreement which specifies the policy of that agency toward farmland preservation and the administrative process used to implement that policy.

The original policy statement was prepared in response to Executive Order 80-4, and according to Section 4 of the Farmland Preservation Act, that policy was to remain in effect upon the Act becoming law. Section 4 of the Act requires the policy statements and cooperative working agreements to be prepared as rules for the administration of the program. Further, the policy statement and cooperative working agreement shall be updated by the State agency and reviewed and approved by the Department of Agriculture every 3 years.

Appendix F is being updated to reflect current policy of the Department of Energy and Natural Resources. The Executive Order promoted the protection of Illinois farmland by seeking the greatest degree of protection for Classes I, II, and III lands. The provisions of the Farmland Preservation Act give protection to all classes of farmland. The Department of Energy and Natural Resources has added to its policy statement an analysis of a new program which that agency was charged with initiating and that is the Superconducting Super Collider project. Many of the changes are simply language clarification of existing policy and for consistency purposes and ease in referencing two agencies.

- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No

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10) Statement of Statewide Policy Objectives: These rules do not impose any mandatory requirements on units of local government in such a way that would necessitate additional expenditures from local revenues. local governments.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

A 45-day written comment period will be granted for receiving comments from the public. This comment period will begin on the day the notice of rulemaking appears in the Illinois Register. Comments should be sent to the Director, Department of Agriculture, State Fairgrounds, P.O. Box 19281, Springfield, Illinois 62794-9281.

This proposed rulemaking may have an impact on small businesses; however, we do not believe so. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, small businesses may present their comments to the Director as outlined above.

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: February 15, 1989

B) Types of small businesses affected: The rules are the Department of Energy and Natural Resources' policy statement toward farmland preservation and the cooperative working agreement between the Departments of Energy and Natural Resources and Agriculture to resolve conflicts and reports progress; therefore, the rules should not directly affect small businesses.

C) Reporting, bookkeeping or other procedures required for compliance:

The information that the Illinois Department of Energy and Natural Resources will report to the Department of Agriculture and the administrative process is outlined.

D) Types of professional skills necessary for compliance:

None by small businesses.

The full text of the Proposed Amendments begins on the next page:

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TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER 1: DEPARTMENT OF AGRICULTURE
SUBCHAPTER q: SOIL AND WATER CONSERVATION

PART 700

FARMLAND PRESERVATION ACT

Section	
700.10	Definitions
700.20	Requirements of Policy Statements and Cooperative Working Agreements
700.30	Review of Agency Project Proposals
700.40	Report: The Tracking of Farmland Converted by State Activities
APPENDIX A	Illinois Department of Agriculture
EXHIBIT A	Illinois Department of Agriculture's Agricultural Land Preservation Policy Statement
EXHIBIT B	The Proposed Project Review Process
EXHIBIT C	Conflict Resolution Process
EXHIBIT D	Land Use Definitions
APPENDIX B	Illinois Bureau of the Budget's Agricultural Land Preservation Policy Statement and Cooperative Working Agreement
APPENDIX C	Capital Development Board
EXHIBIT A	Capital Development Board's Agricultural Land Preservation Policy Statement
EXHIBIT B	CDB Agricultural Land Conversion Mitigation Measures
EXHIBIT C	Capital Development Board - Illinois Department of Agriculture Cooperative Working Agreement
TABLE A	CDB User Agency Designation in Relation to Land Acquisition
TABLE B	Capital Project Development Process
TABLE C	Capital Development Board Agricultural Land Conversion Mitigation Measures (Repealed)
APPENDIX D	Illinois Department of Conservation
EXHIBIT A	Agricultural Land Preservation Policy Statement and Cooperative Agreement
EXHIBIT B	Illinois State Statutes Governing the Department of Conservation
APPENDIX E	Department of Commerce and Community Affairs' Farmland Preservation Policy and Cooperative Agreement
APPENDIX F	Department of Energy and Natural Resources' Illinois Institute of Natural Resources Agricultural Land Preservation Policy Statement and Cooperative Working Agreement

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APPENDIX G

Illinois Environmental Protection Agency's
Agricultural Land Preservation Policy
Statement and Cooperative Working Agreement

APPENDIX H

Illinois Department of Mines and Minerals'

APPENDIX I

Illinois Department of Transportation's Agricultural
Land Preservation Policy Statement and Cooperative
Working Agreement

APPENDIX J

Illinois Commerce Commission's Agricultural Land
Preservation Policy Statement and Cooperative
Working Agreement

AUTHORITY: Implementing and authorized by the Farmland Preservation Act (Ill. Rev. Stat. 1987, ch. 5, par. 1301 et seq.).

SOURCE: Adopted at 8 Ill. Reg. 15279, effective August 9, 1984; amended at 11 Ill. Reg. 18569, effective November 2, 1987; amended at 11 Ill. Reg. 19011, effective November 10, 1987; amended at 11 Ill. Reg. 20527, effective December 2, 1987; amended at 12 Ill. Reg. 5235, effective March 4, 1988; amended at 13 Ill. Reg. 285, effective December 28, 1988; amended at 13 Ill. Reg. _____, effective _____.

Section 700, APPENDIX F Department of Energy and Natural Resources' (Illinois Institute of Natural Resources) Agricultural Land Preservation Policy Statement and Cooperative Working Agreement

INTRODUCTION

The Department of Energy and Natural Resources' (ENR) Agricultural Land Preservation Policy has been prepared in response to the Farmland Preservation Act (Ill. Rev. Stat. 1987, ch. 5, par. 1301 et seq.) Executive Order 80-4 signed by Governor Thompson on July 27, 1980. The Act Executive Order calls for the preparation of an Agricultural Land Preservation Policy which shall include:

1. an analysis of the impact on agricultural land conversions caused by state agency programs, regulations, procedures and operations;
2. measures that can be implemented by each agency which will mitigate conversions to the maximum extent practicable;
3. provisions for minimizing the conversion of agricultural land to non-farm related purposes provision for a greater degree of protection for Classes I, II, and III lands than for Classes IV, V, and VI.

IV through VIII (as defined by the U.S. Department of Agriculture).

ENR The Department, as one of the agencies named in the Farmland Preservation Act Executive Order, has developed the following policy in support of the Act Order. In addressing the preservation of agricultural land the Department, because of its various statutory roles in other natural resource areas, has also addressed the preservation of these natural resources. This approach ensures that agricultural preservation is viewed in the context of the State's total resources.

GENERAL POLICY STATEMENT

ENR The Department of Energy and Natural Resources recognizes the need to ensure that its actions do not unnecessarily encourage the conversion of prime farmland to non-farm uses when there are viable alternatives available which are less destructive to Illinois' best agricultural lands. ENR The Department will help protect the State's State's prime agricultural land from irreversible conversion to uses which result in its loss as an environmental or essential food production resource. The Department further, however, ENR also recognizes that Illinois has other natural and cultural resources which deserve equal consideration and which play an important role in the State's economy, environment and heritage.

BACKGROUND

ENR The Department of Energy and Natural Resources has the duty to investigate practical problems, implement studies, conduct research and provide assistance, information and data relating to the technology and administration of environmental protection; energy; the natural history, entomology, zoology and botany of Illinois; the geology and natural resources of Illinois; the water resources and weather of Illinois; and the archaeological and cultural history of Illinois.

ENR The Department has not been responsible for any agricultural land conversion in the past three years. Research facilities of the Geological, Natural History and Water Survey Divisions of the Department, aside from the central offices in Urbana, Champaign, and Savoy are generally secured either on a lease basis or through cooperation with other State agencies or divisions such as the Department of Conservation or the University of Illinois. The potential for land acquisition of the Surveys is small because of the availability of these cooperative arrangements, but some research needs in the future may dictate the purchase of

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land. Even in those cases, however, the purchase will probably not lead to the irreversible conversion of agricultural land.

The State Museum owns or operates three remote archaeological sites in Illinois and has the power to accept grants of property and to hold property for the purpose of preservation, research or interpretation of significant archaeological and natural phenomena areas within the State. In practice, most archaeological, historic and natural areas are acquired by the Illinois Department of Conservation and the Historic Preservation Agency.

ENR. The Department through its responsibilities in "The Illinois Coal and Energy Development Bond Act", grants money to encourage the development of coal use technologies and for research and development of other forms of energy such as solar, wind and biomass. The power of eminent domain can also be used by ENR the Department for the purposes of siting, obtaining rights of way or easements for coal resource developers in facility siting and coordination with public and private organizations. Although this program has a potential for causing the conversion of prime agricultural land, it has not done so to date.

Through passage of the Superconducting Super Collider Act in 1985, ENR was granted the power of eminent domain to acquire real property for the federal government to site the Superconducting Super Collider (SSC) in Illinois. If Illinois is selected as the host for the SSU project, there is a potential for the conversion of farmland because the site proposed to the United States Department of Energy is predominately in rural Kane County.

CONTRIBUTIONS TO AGRICULTURE

ENR the Department has contributed to the preservation of agricultural, as well as other natural and cultural resources of the State, in many ways. Some specific responsibilities ENR the Department has, which relate to these resources, are:

* to investigate and study the natural resources of the State and prepare printed reports and furnish information fundamental to the conservation and development of natural resources.

* to cooperate with and advise departments having administrative powers and duties relating to the natural resources of the State.

* to investigate all insects dangerous or injurious to agricultural or horticultural plants, and crops and livestock.

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* to act as the central data repository and research coordinator for the State in matters related to water resources.

* in the conduct of economic impact studies on rules and regulations of the Pollution Control Board to include an evaluation of the economic impact on Illinois agriculture.

* to carry out educational efforts in cooperation with other State agencies on natural resource and energy issues. ENR the Department co-sponsored the two Governor's Conferences on the Preservation of Agricultural Lands as part of this function. Educational aids directed at agriculture are also produced by the Surveys.

* to offer demonstration and assistance programs for alternative energy resources. Alcohol, gasoline and solar programs, projects and assistance have directly contributed to increasing the viability of the agricultural sector in Illinois.

IMPACT MITIGATION POLICIES

State Surveys

1. ENR will it will be the Department's policy to attempt to avoid irreversible conversion of agricultural land when the purchase acquisition of land is necessary to carry out Survey research functions. The present cooperative agreements with State agencies and institutions and these arrangements will continue to be the preferred course of action. If research needs dictate that the Surveys purchase land, any purchases over ten (10) acres of agricultural land will be reviewed by an ENR acquisition of land is necessary, any acquisition over five acres of prime agricultural land will be reviewed by a Department committee in order to determine whether other alternatives exist. The committee will make a report of its finding and forward it to the Department of Agriculture (DOA) and the Governor's Office. An exception to this would be the acquisition of an agricultural research farm. This potential case as well as other research needs for land is not expected to result in irreversible conversion.

Illinois State Museum

2. The Illinois State Museum will only purchase acquire those sites of National Natural Register quality for the purpose of preserving, studying and interpreting archaeological and natural phenomena. While this may mean that in the future some agricultural land may be removed from production, the

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application of criteria (36 CFR 60 (1983)) restricting acquisition to National Register quality sites will minimize adverse impacts to agriculture and help preserve the other natural or cultural resources of exceptional quality.

Illinois Coal and Energy Development Bond Act

3. ENR The Department, in carrying out its responsibilities under this Act, will actively attempt to minimize any adverse impacts on agriculture. For state funded projects converting more than ten (10) five acres of prime agricultural land, ENR (classes 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100) the Department will ensure that an environmental study of that project will be carried out. The study will evaluate the potential adverse impacts on Illinois agriculture in accordance with 8 Ill. Adm. Code 700.APPENDIX A, EXHIBIT B, "Project Proposal Information Requirements," as well as other Illinois natural and cultural resources within the context of the state's social, economic and environmental goals, based on such factors as the following: (a) decrease in future food production capabilities; (b) increase in soil erosion; (c) deterioration or reduction of water quality and groundwater supplies; and (d) any other environmental factors related to the particular project that diminishes Illinois' cropland base or otherwise adversely impacts Illinois' agricultural lands. The information identified above and the alternative strategies for mitigation of adverse impacts shall be provided to the DOA. Alternative strategies for mitigation of adverse impacts shall be proposed and provided to the Department of Agriculture and the Governor's office.

When assistance is provided to sponsors of non-state funded projects for energy development, the ENR Department will provide a copy of the ENR Agricultural Land Preservation Policy Statement and the Cooperative Working Agreement information to the sponsor at the earliest possible date on the State policy regarding farmland preservation. Alternatives to the conversion of prime agricultural land will be explored with project sponsors. Natural resource information on agricultural land, wildlife resources, geological and cultural resources will be provided in order to avoid adverse impacts on the State's resources.

(October, 1988 July, 1981; revised)

Department of Energy and Natural Resources - Department
of Agriculture Cooperative Working Agreement
COOPERATIVE WORKING AGREEMENT

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The Illinois Department of Energy and Natural Resources (ENR) and the Illinois Department of Agriculture (DOA) agree to the following:

1. ENR The Department of Energy and Natural Resources shall notify the DOA Department of Agriculture in writing of all state-funded capital projects where it would be purchasing parcels of agricultural land of more than ten (10) acres. During planning, land acquisition or construction of the SSC, ENR shall be required to notify the DOA in writing only of its intention to purchase parcels of agricultural land of more than (10) contiguous acres. Land acquisition for the SSC is scheduled to begin in early 1989 and to be completed no later than January 1, 1991. The DOA shall complete its study of agricultural impacts on land required for the SSC no later than January 1, 1991, requiring the acquisition of more than five (5) acres of agricultural land. No notification is required if a project is located within a municipal boundary or within a one and one-half mile planning area of a comprehensive plan, if one exists, of a municipality or efficient mile and a half planning area of a municipality, if one exists. This notification shall include land acquisition undertaken by the three scientific surveys and the Illinois State Museum. The DOA shall be notified if land is purchased by the three scientific surveys and the Illinois State Museum, however, land purchased by the three state surveys and the State Museum shall not be subject to the DOA's Study of Agricultural Impacts. For state funded capital projects requiring parcels of agricultural land of more than ten (10) acres, ENR the conversion of more than five (5) acres of agricultural land to non-farm uses, the Illinois Department of Energy and Natural Resources will provide information in accordance with 8 Ill. Adm. Code 700.APPENDIX A, EXHIBIT B, "Project Proposal Information Requirements," to the DOA 700.20 to the Department of Agriculture as is necessary to make a determination of conflicts with state policy.

2. The opportunity shall be provided to the DOA Department of Agriculture to review projects funded through the Illinois Coal Development Bond Act before a contract is entered into with the applicant Coal Bond Fund projects shall be completed during the earliest application stage. DOA The Department of Agriculture shall not publicize or circulate its comments beyond the DOA, ENR, Department of Agriculture, the Department of Energy and Natural Resources, and the Governor's Office. The Department of Agriculture shall complete the review within a 30-day period after receiving information from the Department of Energy and Natural Resources in accordance with 6 Ill.

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Adm. Code 700-APPENDIX A- EXHIBIT A- The Department of Agriculture shall follow the guidelines for review of project proposals contained in its Agricultural Land Preservation Policy when conducting its review.

3. The DOA shall complete its Study of Agricultural Impacts within a 30-day period after receiving the required information from the ENR in accordance with 8 Ill. Adm. Code 700-APPENDIX A, EXHIBIT A. The DOA shall follow the guidelines for review of the project proposals contained in its Agricultural Land Preservation Policy when conducting its review. Furthermore, ENR will not release information to the general public relative to a final decision on a project site(s) which falls under the DOA's purview until the official Study of Agricultural Impacts has been completed. Land acquisition by the three state surveys or the state museum shall not be subject to review by the Department of Agriculture. The Department of Energy and Natural Resources shall follow the mitigation procedures outlined in its agricultural land preservation policy. The Department of Agriculture shall also be notified in writing of the purchase of any agricultural research farmer.

4. ENR shall follow the mitigation procedures outlined in its Agricultural Land Preservation Policy. The DOA shall be notified in writing of the purchase of any agricultural research farms.

5. 4- ENR the Department of Energy and Natural Resources shall notify the DOA Department of Agriculture of any agricultural land donated to the agency. Donated land shall not be subject to DOA Department of Agriculture review.

6. 5- ENR the Department of Energy and Natural Resources shall notify the DOA Department of Agriculture in writing of all proposed changes in policies and procedures that alter the existing agreement. If deemed necessary by both agencies, a new agreement shall be negotiated in accordance with the Act and these rules.

7. 6- This Cooperative Working Agreement, ENR's Agricultural Land Preservation Policy and the Farmland Preservation Act This cooperative agreement; the Illinois Department of Energy and Natural Resources; Farmland Preservation Policy and Executive Order 80-4 (Preservation of Illinois Farmland) shall be the governing documents for ENR's the Department of Energy and Natural Resources' farmland preservation policies and shall not be pre-empted in whole nor in part by any other agency's agreement.

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8. The DOA will unequivocally assign top priority to conducting the official Study of Agricultural Impacts (Study) for the Superconducting Super Collider (SSC) project in a manner that will not delay any commitment of funds for land acquisition and construction. If ENR determines that the DOA study is responsible for delaying funding, ENR may notify DOA in writing and then may proceed with the commitment of funds for the SSC. Specifically conditioned upon the ENR determination and subsequent written notice to DOA, there shall be a specific exception, pursuant to Section 5 of the "Farmland Preservation Act," effective August 19, 1982, for the land acquisition and construction of the Superconducting Super Collider (SSC). This exception shall permit ENR to commit State funds to the SSC project prior to the completion of the DOA Study of Agricultural Impacts.

9. Irrespective of the relationship between the Study of Agricultural Impacts and the SSC funding mechanism for land acquisition and construction, DOA will have the benefit of coordinating mitigative strategies with ENR in those cases where land acquisition for the SSC will exceed the (10) contiguous acres standard.

10. The DOA will perform the Study of Agricultural Impacts on the secondary projects that are affiliated with the SSC. These project initiatives include, but are not limited to: highways, sewer collection systems, water distribution lines, and gas and electric transmission lines.

(October, 1988 July, 1984; revised)

(Source: Amended at 13 Ill. Reg. _____, effective _____)

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1) HEADING OF THE PART: Dove Hunting2) CODE CITATION: 17 Ill. Adm. Code 7303) SECTION NUMBERS:730.20
730.30PROPOSED ACTION:Amendments
Amendments4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.20 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, pars. 1.2, 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.20 and 3.5).5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED: The amendments to this Part are based upon biological surveys and data analyses which have resulted in the determination that modifications to the dove hunting regulations are necessary to maintain and manage healthy populations of doves.

The proposed changes include expanding/modifying/decreasing dove hunting programs on State-owned or -managed sites as recommended following evaluation of site specific resources, clarification of the permit issuance process and deletion of requirements covered under 17 Ill. Adm. Code 510 - General Hunting and Trapping on Department-Owned or -Managed Sites.

6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? No7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No8) DOES THIS PROPOSED RULE CONTAIN INCORPORATIONS BY REFERENCE?
No9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART?
No10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.11) TIME, PLACE, AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:

Jack Price
Lincoln Tower Plaza
524 S. Second Street
Springfield, Illinois 62701-1787

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12) INITIAL REGULATORY FLEXIBILITY ANALYSIS: This rule has no impact on small businesses or municipalities.THE FULL TEXT OF THE PROPOSED AMENDMENTS BEGINS ON THE NEXT PAGE:

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFEPART 730
DOVE HUNTING

Section	Statewide Regulations
730.10	Regulations at Various Department-Owned or -Managed Sites
730.20	Youth and Youth/Adult Dove Hunts at Various Department-Owned or -Managed Sites
730.30	

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.20 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, pars. 1.2, 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.20 and 3.5).

SOURCE: Adopted at 5 Ill. Reg. 8792, effective August 25, 1981; codified at 5 Ill. Reg. 10644; amended at 6 Ill. Reg. 9631, effective July 21, 1982; emergency amendment at 6 Ill. Reg. 10040, effective August 2, 1982; amended at 7 Ill. Reg. 10767, effective August 24, 1983; emergency amendment at 7 Ill. Reg. 10999, effective August 24, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 13680, effective July 25, 1984, amended at 9 Ill. Reg. 11601, effective July 16, 1985; emergency amendment at 9 Ill. Reg. 14025, effective September 4, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 15590, effective September 16, 1986; amended at 11 Ill. Reg. 9526, effective May 5, 1987; amended at 11 Ill. Reg. 11346, effective June 10, 1987; amended at 12 Ill. Reg. 12186, effective July 15, 1988; amended at 13 Ill. Reg. _____, effective _____.

Section 730.20 Regulations at Various Department-Owned or -Managed Sites

a) All the regulations in 17 Ill. Adm. Code 510 - General Hunting and Trapping apply in this Section, unless this Section is more restrictive.

b) General Regulations

1) Hunters shall use only steel shot size 6 or smaller on the following areas:

Anderson Lake Conservation Area

Banner Marsh Fish and Wildlife Area

Hennepin Canal Parkway State Park

Horseshoe Lake Conservation Area (Alexander County)

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Rend Lake

Sanganois Conservation Area

Shabbona State Park

Union County Refuge Conservation Area

Wayne Fitzgerald State Recreation Area

2) Hunters shall use only shot size 7 1/2, 8 or 9 lead or 6 steel or smaller on all areas, except as noted under subsection (b)(1).

c) Statewide season regulations as provided for in this rule shall apply at the following areas (exceptions are in parentheses):

Anderson Lake Conservation Area (5:00 p.m. closing September 1 through Labor Day, statewide closing thereafter)

Banner Marsh Fish and Wildlife Area (September 1 - 30; 5:00 p.m. closing September 1 through Labor Day; statewide closing thereafter)

Big Bend Conservation Area (5:00 p.m. closing)

Big River State Forest (5:00 p.m. September 1 through Labor Day; statewide closing thereafter)

Carlyle Lake Lands and Waters - Corps of Engineers managed lands

Carlyle Lake Wildlife Management Area

Chain O'Lakes State Park (September 1 - 14, 5:00 p.m. closing; daily quota filled on first-come, first-serve basis; check in and check out required; all hunting must be done within 10 feet of Department of Conservation (Department or DOC) marked sites; no gun may be carried into dove fields beyond hunting line; guns must be unloaded when walking to and from hunting areas; DOC issued back patch must be worn while hunting)

Clinton Lake State Park (No hunting within 100 yards of dove management units; dove management units only, September 1 - 5, 5:00 p.m. closings; daily quota filled by drawing at designated units at 11:00 a.m.)

Crawford County Conservation Area (5:00 p.m. closing, September 1 - 30; statewide regulations thereafter)

Des Plaines Conservation Area (September 6 - 14, 10, 16, 17, 23 and 24; 5:00 p.m. closing; daily quota filled on first-come, first-

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serve basis; check in and check out required; all hunting must be done within 10 feet of DOC marked sites; no gun may be carried into dove fields beyond hunting line; guns must be unloaded when walking to and from hunting areas; DOC issued back patch must be worn while hunting)

Eldon Hazlet State Park (North of Allen Branch and West of Peppenhorst Branch)

Ferne Clyffe State Park

Ft. de Chartres State Historic Site (~~October 15 -- October 30, 5:00 p.m. - closing~~) hunting with muzzle-loading shotgun only

Ft. Massac State Park (5:00 p.m. closing)

Fox Ridge State Park (Dove Management Units only, September 1 - 3, 5:00 p.m. closing; daily quota filled by drawing at designated units at 11:00 a.m.)

Giant City State Park (5:00 p.m. closing)

Green River State Wildlife Area (Lee County Conservation Area) (September 6-October 30; season closed during dog field trials; 5 p.m. closing)

Hamilton County Conservation Area (5:00 p.m. closing)

Heidecke Lake State Fish and Wildlife Area (September 1 - 5, 5:00 p.m. closing; September 6 - 15 statewide hours; daily quota filled on first-come, first-serve basis; check in and check out required; all hunting must be done within 10 feet of DOC marked sites; no gun may be carried into dove fields beyond hunting line; guns must be unloaded when walking to and from hunting areas)

Hennepin Canal Parkway State Park (September 1 - 10, and on Saturdays, Sundays and Wednesdays from September 11 - 30, 5:00 p.m. closing)

Hidden Springs State Forest (Dove management units only, September 1 - 3, 5:00 p.m. closing; daily quota filled by drawing at designated units at 11:00 a.m.)

Horseshoe Lake Conservation Area - Alexander County

Horseshoe Lake State Park - Madison County (September 1 - 30, 5:00 p.m. closing)

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I-24 Area (Wednesday, Saturday and Sunday only, 5 p.m. closing)

Iroquois County Conservation Area (September 1 - 7, 5:00 p.m. closing; daily quota filled on first-come, first-serve basis; after September 7, statewide hours and seasons apply; hunting permitted only in designated areas; DOC issued back patch required September 1 - 7)

Johnson Sauk Trail State Park (September 1 - 15, except closed Saturday and Sunday of Labor Day weekend, 5:00 p.m. closing)

Jubilee College State Park (September 1 - 21 on Wednesdays, Saturdays, Sundays and holidays, 5:00 p.m. closing)

Kankakee River State Park (September 6 - 30, daily quota filled on first-come, first-serve basis; hunters must check in and check out; all hunting must be done within 10 feet of DOC marked sites; no gun may be carried into dove fields beyond hunting line)

Kaskaskia River State Fish and Wildlife Area (Hunting allowed on designated areas on odd number dates only during first 2 weeks of season then everyday thereafter; 5:00 p.m. closing)

Kickapoo State Park (Hunters must check in and check out; ~~DOC issued back patch must be worn while hunting~~)

Lake Kinkaid Fish and Wildlife Area

Lake Le-Aqua-Na State Park (September 1 - 15 except closed Saturday and Sunday of Labor Day weekend; 5:00 p.m. closing)

Lake Shelbyville-Kaskaskia and West Okaw Fish and Wildlife Areas (dove management areas only, September 1 - 5, 5:00 p.m. closing; daily quota filled by drawing at 11:00 a.m. daily; statewide regulations apply to the rest of the site except no hunting ~~100~~ within 300 yards ~~from~~ dove management areas)

Little Black Slough State Natural Area

Lower Cache River State Natural Area

Mackinaw River State Fish and Wildlife Area (September 1 - 30; 5 p.m. closing)

Marseilles Fish and Wildlife Area (open September 1 - 8, Monday through Thursday thereafter; 5:00 p.m. closing)

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Marshall State Fish and Wildlife Area

Matthiessen State Park (September 1 - 15 on opening day, holidays, Wednesdays, Saturdays and Sundays except closed the Saturday and Sunday of Labor Day weekend, 5:00 p.m. closing)

Mazonia State Fish and Wildlife Area (September 1 - two weeks before duck season)

Mermet Lake Conservation Area (Wednesday, Saturday and Sunday only, 5:00 p.m. closing)

Middle Fork State Fish and Wildlife Area (September 1 - 7, 5:00 p.m. closing; daily quota filled by drawing at site 11:00 daily, registration begins at 10:00 a.m.; after September 7, statewide regulations apply; at all times, hunters must maintain 20 yard spacing and hunt in designated areas only)

Mississippi River Pools 16, 17, 18, 21, 22, 24

Mississippi River Pools 25, 26 (September 1 - 30)

Moraine View State Park (September 1 - 7, 5:00 p.m. closing; daily quota filled on first-come, first-serve basis; after September 7 statewide hours and seasons apply, hunters must check in and check out; at all times, hunters must wear DOC issued back patch and hunt in designated areas only)

Morrison-Rockwood State Park (September 1 - 15 except closed Saturday and Sunday of Labor Day weekend; 5:00 p.m. closing)

Mt. Vernon Game Farm (5:00 p.m. closing; Wednesday, Saturday and Sunday only)

Panther Creek Conservation Area

~~Parklands-Recreational Area (September 1 - 30, 5 p.m. closing)~~

Pike County Conservation Area

Pyramid State Park (5:00 p.m. closing)

Railsplitter State Park (September 6 - 1817; hunter quota to be filled on a first-come basis; hunters must hunt from within 10 feet of a hunter stake; no shooting except in the direction of the assigned fields)

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Ramsey Lake State Park (5:00 p.m. closing)

Randolph County Conservation Area (5:00 p.m. closing)

Red Hills State Park (5:00 p.m. closing; Wednesday, Saturday and Sunday only; September 1 - 30; statewide regulations apply daily thereafter)

Rend Lake Wildlife Management Area (5:00 p.m. closing)

Saline County Conservation Area (5:00 p.m. closing)

Sam Dale Lake Conservation Area (5:00 p.m. closing)

Sam Parr State Park (5:00 p.m. closing September 1 - 30; statewide regulations apply thereafter)

Sand Ridge State Forest (September 6 - October 30)

Sangamon County Conservation Area

Sanganolis Conservation Area (5:00 p.m. closing September 1 - 5; statewide regulations apply thereafter; hunter quota to be filled on a first-come basis)

Sangchris Lake State Park (September 6 - 30)

Shabbona State Park (September 1 - 15, 5:00 p.m. closing)

Siloam Springs State Park

Silver Springs State Park (September 6 - 30; check in and check out required; hunters must hunt planted dove fields only; hunters must hunt within 10 feet of Department marked sites; no gun may be carried into dove fields beyond hunting line; guns must be unloaded when entering and leaving hunting area; no hunting on days designated for National Hunting and Fishing Day activities)

Stephen A. Forbes State Park (5:00 p.m. closing)

Tapley Woods State Natural Area

Trail of Tears State Forest

Turkey Bluffs State Fish and Wildlife Area (5:00 p.m. closing)

Union County Conservation Area (September 1-5; 5:00 p.m. closing; statewide regulations thereafter)

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Washington County Conservation Area (5:00 p.m. closing)

Wayne Fitzgerald State Park (closed September 5 -- 7:2 - 4 and during horseback field trials; 5:00 p.m. closing)

Weinberg-King State Park (5:00 p.m. closing)

Wildcat Hollow State Forest

- d) Statewide regulations as provided in this Part apply at the following sites with exceptions noted in parentheses. In addition, hunters must obtain a free permit from site office. Permits are not transferable and must be in possession while hunting. A windshield-card, provided along with permit, must be displayed in hunter's vehicle windshield while hunting, with permit number visible. The permit must be returned and harvest reported by February 15 or hunter will forfeit hunting privileges for that site for the following year.

Eagle Creek State Park (September 15 - October 30)

Fox Ridge State Park (does not apply in dove management units as noted in Section 730.20(c))

Hidden Springs State Forest (does not apply in dove management units as noted in Section 730.20(c))

Lake Shelbyville Eagle Creek Wildlife Management Area

e) Permit areas

- 1) Permit season dates shall be September 1 - 5 at the following sites, hunting hours shall be from Noon to 5:00 p.m.:

Des Plaines Conservation Area (Hunters must hunt assigned fields only and hunt within 10 feet of DOC marked sites; no gun may be carried into dove field beyond hunting shooting line; guns must be unloaded when walking to and from hunting area)

Green River State Wildlife Area (Lee County Conservation Area)

Kankakee River State Park (Hunters must hunt assigned fields only and hunt within 10 feet of DOC marked sites; no gun may be carried into dove field beyond hunting shooting line)

Railsplitter State Park (Hunters must hunt assigned fields only and hunt within 10 feet of DOC marked sites; no gun

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may be carried into dove field beyond shooting line; no shooting except in direction of assigned fields)

Sand Ridge State Forest

Sangchris Lake State Park (Hunters must hunt assigned fields only; field 2 accessible by boat only)

Silver Springs State Park (Hunters must hunt assigned fields only and hunt within 10 feet of DOC marked sites; no gun may be carried into dove field beyond hunting shooting line; guns must be unloaded when walking to and from hunting area)

2) Permit Applications

- A) To apply for a permit, prospective hunters must complete a Dove Application and Permit form #IL-422-0514, by providing:

- name and address;
- the area they wish to hunt (one area only);
- the first, second, and third choice of hunting dates;
- signature;
- hunting license number;
- daytime telephone number; and
- physical description of the applicant.

- B) An application may be obtained by writing to:

Illinois Department of Conservation
Dove Permit Office
P.O. Box 19227
Springfield, IL 62794-9227

- C) The Department will not accept more than two applications per envelope.

- D) Permits will be allocated by drawing.

- E) Applications will be accepted beginning June 15 through July 13. Applications received after July 13 will be processed on a first-come, first-served basis.

- F) Failure to provide required information will result in the application being rejected.

Applicants must contact the Department to obtain a permit reservation. Starting dates and methods for making reservations will be publicly announced. Applicants making reservations will be sent confirmation. Up to two reservations, but only one per

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applicant, may be made. Multiple reservations for the same person will not be accepted and that person will forfeit his right to acquire a reservation for the season.

- 3) Hunting at these areas is by special permit only for the first five days of the season; thereafter, no permits are required for hunting at these sites. All permits will be issued from Springfield and not from the area.
- 4) Check-in time for registration shall be between 9:00 a.m. and 11:00 a.m. Openings after 11:00 a.m. will be filled on a first-come basis, or by a daily drawing if there are more stand-by hunters than openings available.
- 5) All hunters must wear a back patch.
- 6) Shot size to be used is 7½, 8 or 9 lead or 6 steel or smaller.
- 7) Each applicant shall apply for only one area and receive one permit per year. An applicant may reapply only if his previous application was unsuccessful. ~~Submission of duplicate applications will result in rejection of all applications.~~

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 730.30 Youth and Youth/Adult Dove Hunts at Various Department-Owned or -Managed Sites

- a) A one-day Youth Dove Hunt will be held on September 3, 1988 the first Saturday of the season, at the following sites:

Banner Marsh Fish and Wildlife Area
Horseshoe Lake State Park
Kankakee River State Park
Middle Fork Fish and Wildlife Area
Mt. Vernon Game Farm
Ramsey Lake State Park
Sangchris Lake State Park
Silver Springs State Park

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Stephen A. Forbes State Park

- b) A one-day youth/adult dove hunt will be held on September 3, 1988 the first Saturday of the season, where both the youth and adult will be permitted to hunt at the following sites:

Parklands-Recreational-Area

Mackinaw River State Fish and Wildlife Area

Sam Parr State Park

- c) Hunting hours are from 12:00 p.m. to 5:00 p.m. Check-in time is from 10:00 a.m. to 11:30 a.m.

- d) Hunter quota will be announced by public news release. Hunter quota is determined by the formula: one hunter per 10 to 40 huntable acres. Huntable acres are determined by, but not limited to, the biological studies on the number of the species available; the condition, topography, and configuration of the land at the site; and the number of employees available to work at the site.

- e) All hunters must have a hunting permit and wear a back patch while hunting. Stand-by permits will be available at the site by lottery drawing if vacancies occur.

- f) Applicants must be between the ages of 10 and 15 inclusive, with a valid Illinois hunting license and must include date of birth on their application.

- g) Each youth must be accompanied by a supervising adult. If the hunter does not have a valid Firearm Owner's Identification (F.O.I.D.) Card, the supervising adult is required to have a F.O.I.D. Card. Only one supervising adult in a hunting party is required to have a valid F.O.I.D. Card if the hunters in the hunting party stay under the immediate control (accompany youth hunters at all times) of the supervising adult possessing the valid F.O.I.D. Card. All adult hunters must have a valid F.O.I.D. card.

- h) To apply for a permit, prospective hunters must complete a Youth-Dove Hunt Application and Permit form #IL-422-0629, by providing

- 1) name and address;
- 2) the area they wish to hunt (one area only);
- 3) the first, second, and third choice of hunting dates;
- 4) signature;
- 5) hunting license number;
- 6) daytime telephone number;
- 7) physical description of applicant; and
- 8) supervising adult's name

DEPARTMENT OF CONSERVATION
NOTICE OF PROPOSED AMENDMENTS

- h) Applicants must contact the Department to obtain a permit reservation. Starting dates and methods for making reservations will be publicly announced. Applicants making reservations will be sent confirmation. Up to two reservations, but only one per applicant, may be made. Multiple reservations for the same person will not be accepted and that person will forfeit his right to acquire a reservation for the season.
- i) Permit applications will be accepted June 15 through July 13, 1988, for a random drawing. After July 13, applications will be processed on a first-come basis.
- j) Permit applications may be obtained by writing to:
Illinois Department of Conservation
Youth Dove Hunting
P.O. Box 19227
Springfield, IL 62794-9227.
- k) Each applicant shall apply for only one area and receive one permit per year. An applicant may reapply only if his previous application is unsuccessful. Submission of duplicate applications will result in rejection of all applications.
- l) Failure to provide any information required on the permit application will result in the application not being processed.
- m) Shot size to be used is 7½, 8 or 9 lead or 6 steel or smaller, except Banner Marsh, where #6 or smaller steel shot must be used.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Jack Price
Lincoln Tower Plaza
524 S. Second Street
Springfield, Illinois 62701-1787

- 12) INITIAL REGULATORY FLEXIBILITY ANALYSIS: This rule has no impact on small businesses or municipalities.

THE FULL TEXT OF THE PROPOSED AMENDMENTS BEGINS ON THE NEXT PAGE:

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

- 1) HEADING OF THE PART: Falconry and the Captive Propagation of Raptors
- 2) CODE CITATION: 17 Ill. Adm. Code 1590
- 3) SECTION NUMBERS: 1590.110
1590.120
PROPOSED ACTION: Amendments
Amendments
- 4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 2.1, 2.2, 2.4, 2.6, 2.7, 2.13, 2.18, 2.20, 2.27, 2.28, 2.29, 2.30, 3.5 and 3.36 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, pars. 1.3, 1.4, 2.1, 2.2, 2.4, 2.6, 2.7, 2.13, 2.18, 2.20, 2.27, 2.28, 2.29, 2.30, 3.5 and 3.36) and Section 335 of the Illinois Endangered Species Protection Act (Ill. Rev. Stat. 1987, ch. 8, par. 335).
- 5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED: The amendments to Part 1590 provide for expansion of the hunting season for cock pheasants, quail and partridge by falconers by 15 days.
- 6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? No
- 7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No
- 8) DOES THIS PROPOSED RULE CONTAIN INCORPORATIONS BY REFERENCE? No
- 9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART? No
- 10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.

- 11) TIME, PLACE, AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:

- 12) INITIAL REGULATORY FLEXIBILITY ANALYSIS: This rule has no impact on small businesses or municipalities.

THE FULL TEXT OF THE PROPOSED AMENDMENTS BEGINS ON THE NEXT PAGE:

DEPARTMENT OF CONSERVATION

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER d: FORESTRY

- 4) Rabbit Season: 1 October - 31 January
- 5) Fox & Gray Squirrel Season: 1 August - 31 December
- 6) Raccoon, Opossum, Skunk, Gray and Red Fox Season: 1 November - 31 January

PART 1590

FALCONRY AND THE CAPTIVE PROPAGATION OF RAPTORS

Section

1590.10 Establishment of Rules and Regulations

1590.20 Definitions for the Purpose of these Regulations

1590.30 Provisions of Rules and Regulations (Repealed)

1590.40 Violation of Rules (Repealed)

1590.50 Permit and License Requirements

1590.60 Examination and Application Procedures

1590.70 Inspection of Facilities and Equipment

1590.80 Falconry Permits - Class and Types

1590.90 Capturing of Raptors - Regulations

1590.100 Transfer, Temporary Care and Reporting Requirements

1590.110 Hunting Seasons for Falconers

1590.120 Special Provisions

1590.130 Violation of Rules

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 2.1, 2.2, 2.4, 2.6, 2.7, 2.13, 2.18, 2.20, 2.27, 2.28, 2.29, 2.30, 3.5 and 3.36 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, pars. 1.3, 1.4, 2.1, 2.2, 2.4, 2.6, 2.7, 2.13, 2.18, 2.20, 2.27, 2.28, 2.29, 2.30, 3.5 and 3.36) and Section 335 of the Illinois Endangered Species Protection Act (Ill. Rev. Stat. 1987, ch. 8, par. 335).

SOURCE: Amendment filed November 17, 1977; effective January 1, 1978; emergency amendment at 5 Ill. Reg. 9161, effective September 1, 1981, for a maximum of 150 days; amended at 6 Ill. Reg. 6207, effective May 14, 1982; amended at 10 Ill. Reg. 16627, effective September 24, 1986; amended at 11 Ill. Reg. 11350, effective June 9, 1987; amended at 12 Ill. Reg. 12807, effective July 26, 1988; amended at 13 Ill. Reg. _____, effective _____.

Section 1590.110 Hunting Seasons for Falconers

- a) Falconers shall possess a valid hunting license and abide by all wildlife code regulations. The extended season for the harvesting of the following game species by raptor shall be:

- 1) Cock Pheasant Season: ~~15~~ 1 October - 31 January
- 2) Bobwhite Quail Season: ~~15~~ 1 October - 31 January
- 3) Hungarian Partridge Season: ~~15~~ 1 October - 31 January

- b) The extended season for the harvesting of the following migratory species by raptors shall be in accordance with federal regulations (50 CFR 20.109, effective October 4, 1985) (no incorporation in this Part includes later amendments or editions): Common (Wilson's) Snipe, Rail, Duck and Coot, Woodcock, Mourning Dove and Teal.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 1590.120 Special Provisions

- a) Moulted and salvaged feathers from birds held in captivity may be retained and exchanged by their permittees for imping purposes only.
- b) Any person convicted of illegal possession of raptors shall have his (or her) permit revoked and his (or her) raptors confiscated by the Department. The Department shall dispose of the confiscated raptor by transferring the raptor to another permittee, releasing to the wild, or destroying the raptor if it is unsuitable to be transferred or released.

- c) Convictions of any Section of this Part shall result in a period of suspension or revocation of the permittee's falconry privileges for up to 5 years by the Department, pursuant to 17 Ill. Adm. Code 2530.

- d) Raptor species in possession prior to February 1, 1975 (excluding species subject to the Illinois Endangered Species Protection Act, effective April 1973) are exempt from the possession requirements of Section 1590.60 of this Part.

- e) A permittee who possesses a lawfully acquired raptor on which a marker is attached and is listed as endangered by the Illinois Endangered Species Protection Board (17 Ill. Adm. Code 1010) and not by the Fish and Wildlife Service (50 CFR 17, effective September 30, 1985), and such raptor(s) were acquired prior to the enactment of these regulations or prior to listing of such bird to the Endangered Species list of Illinois or the United States, legally acquired out of state, or is the progeny of two legally held birds, shall be allowed to ~~retain~~ possess such raptor(s) as part of the permittee's falconry permit class.

- f) Nothing in this Part shall prohibit the use of raptors held on a falconry permit for educational purposes.

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

- g) Permittees in possession of an Illinois Game Breeders Permit may train raptors by using or killing per reared game at any time.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED RULES

- 1) HEADING OF THE PART: Forest Fire Protection Districts Act

- 2) CODE CITATION: 17 Ill. Adm. Code 1560

- 3) SECTION NUMBERS:

1560.10
1560.20
1560.30
1560.40
1560.50
1560.60
1560.70
1560.80
1560.90

PROPOSED ACTION:
New Section
New Section
New Section
New Section
New Section
New Section
New Section
New Section
New Section

- 4) STATUTORY AUTHORITY: Implementing and authorized by the Forest Fire Protection Districts Act (Ill. Rev. Stat. 1987, ch. 96%, pars. 7001 et seq.).
- 5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED: This Part provides for the creation of intensive forest fire prevention districts to regulate the burning of combustible materials during certain periods of the year when the potential for forest fires is highest.
- 6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? No
- 7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No
- 8) DOES THIS PROPOSED RULE CONTAIN INCORPORATIONS BY REFERENCE? No
- 9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART? No
- 10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.
- 11) TIME, PLACE, AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:

Jack Price
Lincoln Tower Plaza
524 S. Second Street
Springfield, Illinois 62701-1787

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED RULES

- 12) INITIAL REGULATORY FLEXIBILITY ANALYSIS: This rule has no impact on small businesses or municipalities.

THE FULL TEXT OF THE PROPOSED RULES BEGINS ON THE NEXT PAGE:

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED RULES

TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF CONSERVATION
SUBCHAPTER d: FORESTRY

PART 1560
FOREST FIRE PROTECTION DISTRICTS ACT

Section

Definitions

1560.10	Intent of Forest Fire Protection Districts Act
1560.20	Creation of Districts
1560.30	Proclamation Prohibiting Fires
1560.40	Administration of Act
1560.50	Issuance of Burning Permit
1560.60	Enforcement of Act
1560.70	Violation of Act
1560.80	Correspondence and Inquiries Regarding this Act
1560.90	

AUTHORITY: Implementing and authorized by the Forest Fire Protection Districts Act (Ill. Rev. Stat. 1987, ch. 96½, pars. 7001 et seq.).

SOURCE: Adopted at 13 Ill. Reg. _____, effective _____.

Section 1560.10 Definitions

- a) "Burning Permit Writer" means any individual appointed by the Director and certified by the Chief of the Division of Forest Resources to issue burning permits.
- b) "Department" means the Department of Conservation.
- c) "Director" means the Director of the Department of Conservation.
- d) "District" means a geographic area determined by the Director to be in need of special protection from forest fires and designated as an intensive forest fire prevention district in accordance with this Act.
- e) "Fire Danger" means the daily rating of severity of the potential for wildfire as designated by the National Fire Danger Rating System.
- f) "Forest Fires" means uncontrolled, wild or running fires occurring on forest, marsh, field, cutover or other lands.
- g) "Regional Administrator" means the Regional Administrators of the Division of Forest Resources of the Department of Conservation.

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED RULES

Section 1560.20 Intent of Forest Fire Protection Districts Act

Nothing in this Act relieves the owners or leasees of lands upon which fires may burn or be started from the duty of extinguishing such fires so far as it may be within their power. This Act provides for the creation of intensive forest fire prevention districts to regulate the burning of combustible materials during certain periods of the year when the potential for forest fires is highest, and provides for penalties for violation.

Section 1560.30 Creation of Districts

- a) Public recommendations for the creation of a District shall be submitted to the Division of Forest Resources for the Director.
- b) All landowners within a created District shall be contacted by an agent of the Department of Conservation and shall be informed of the creation of the District, the intent and provisions of the Act and be asked for their support and cooperation.

Section 1560.40 Proclamation Prohibiting Fires

- a) A proclamation, issued by the Director, prohibiting a fire without first obtaining a burning permit within a District shall be effective in Illinois for the period of the proclamation and shall be determined by the chief of the Division of Forest Resources who will use the National Fire Danger Rating System as criteria for the determination.
- b) Such proclamation shall be published by the Department of Conservation in one or more newspapers having a general circulation within the District prior to or upon the date the proclamation becomes effective.
- c) A proclamation has been issued for the following counties: Jackson, Pope, Hardin, Johnson Union, Alexander, and Pulaski to cover the peak fire hazard months of February, March, April, October and November.

Section 1560.50 Administration of Act

- a) The Division of Forest Resources in the Department is responsible for the administration of this Act.
- b) The Division of Forest Resources in the Department may grant, through a Memorandum of Understanding, some administrative authority of this Act to the Shawnee National Forest for those lands in a District that lies within the forest protection boundary of the Shawnee National Forest.
- c) The District lands administered by the Shawnee National Forest, the boundary of the Shawnee National Forest fire protection area, and the administrative authority granted by the Department shall be mutually agreed to by the Department and the Shawnee National Forest in an Annual Operating Plan supplement to the Memorandum of Understanding.

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED RULES

Section 1560.60 Issuance of Burning Permit

- a) The Director of the Department may appoint burning permit writers.
- b) Burning Permit Writers must be certified (Form F-20) by the Chief, Division of Forest Resources, who will assign the Burning Permit Writer to a District.
- c) Burning Permits can only be issued by a duly authorized Burning Permit Writer.
- d) A permit to kindle a fire in the open air outside the limits of any city, village or incorporated town within a District will be issued only on the official Burning Permit form as supplied by the Department.
- e) The Regional Administrator in whose Region the District is located is responsible for all training, supplies, maps, forms and any other provisions needed by the Burning Permit Writer in the performance of their assigned duties.
- f) The Burning Permit can only be issued for 3-5 days depending upon the anticipated fire dangers for the length of the Permit.
- g) The Burning Permit must be completed by the Burning Permit Writer and signed by the Writer and the person to whom the permit is issued.
- h) The Burning Permit must include the person's name and address, the legal location of the property on which the burn is to take place, the material and amount to be burned, the hours when burning will be permitted and the dates of the burning.
- i) The Burning Permit must be completed in triplicate. The white copy is to be given to the person to whom the Permit is issued; the green copy will be sent to the Goreville District Forestry Office, Post Office Box 67, Goreville, Illinois 62939; the yellow copy will be retained by the Burning Permit Writer.
- j) If the Fire Danger Rating reaches very high or extreme within a District, the Director, upon notification of such a fire danger by the Chief of the Division of Forest Resources may suspend the issuance of burning permits and/or proclaim a closure on all burning within the district or a portion thereof until such time as burning conditions fall below the very high designation.
- k) The Regional Administrator in whose Region the issuance of burning permits is suspended and/or closure is imposed is responsible for posting such a notice in public places within the District, notifying all Burning Permit Writers in the District and notifying the Shawnee National Forest if the affected District is within the Shawnee National Forest Protection Area.

Section 1560.70 Enforcement of Act

Any law enforcement officer within the State of Illinois has the duty to issue a citation to persons violating any provision of the Forest Fire Protection Districts Act and these Rules and Regulations and to cooperate with the Department in the enforcement of same.

Section 1560.80 Violation of Act

- a) Any person found to be in violation of a proclamation issued by the Director prohibiting the setting of fire to any woods, brush, grass, grain, weeds or stubble outside the limits of any city, village or incorporated town within an intensive fire protection district during the months of February, March, April, October and November or whenever the Director deems a fire hazard to exist in any district, without first having obtained a burning permit issued by a burning permit writer shall, upon conviction, be fined not less than \$500 nor more than \$1,000 or be imprisoned in a penal institution other than the penitentiary not to exceed 6 months, or both.
- b) This ruling does not apply to land owned or controlled by a railroad corporation when the fire is for the purpose of clearing its right of way of dangerous combustible materials or for the kindling of a fire in a plowed field, garden or public highway when such fire is kindled at a distance of 200 feet or more from any woodland, brush land or field containing dry grass or other combustible material.

Section 1560.90 Correspondence and Inquiries Regarding This Act

All correspondence and/or inquiries regarding this Act shall be directed to:

State of Illinois
Department of Conservation
Division of Forest Resources
524 South Second Street
Springfield, Illinois 62701-1787

ATTENTION: Forest Protection Program

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

1) HEADING OF THE PART: Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Beaver and Woodchuck (Groundhog) Trapping

2) CODE CITATION: 17 Ill. Adm. Code 570

3) SECTION NUMBERS:

570.20
570.30
570.40

Amendments
Amendments
Amendments

4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 2.30, 2.33, and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, pars. 1.2, 1.3, 2.30, 2.33 and 3.5).

5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED:

The amendments to this Part are based upon biological surveys and data analyses which have determined that modifications to these trapping regulations are necessary to maintain and manage healthy populations of furbearers. The proposed changes include changing season dates and site-specific regulations.

Amendments to this Part were adopted at 12 Ill. Reg. 12034, effective July 7, 1988. Following review of these amendments, the Joint Committee on Administrative Rules discovered discrepancies in the proposed version and the adopted version. In Sections 570.40(b)(7), (b)(25), (b)(36) and (b)(37), the first notice of the Department's rules listed the jaw spread for traps as 20 inches. When the Department adopted the rule, the jaw spread had been changed to 10 inches. The current amendments to this Part reflect this correction.

6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? No

7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

8) DOES THIS PROPOSED RULE CONTAIN INCORPORATIONS BY REFERENCE? No

9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART? No

10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.

11) TIME, PLACE, AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

Jack Price
Lincoln Tower Plaza
524 S. Second Street
Springfield, Illinois 62701-1787

- 12) INITIAL REGULATORY FLEXIBILITY ANALYSIS: This rule has no impact on small businesses or municipalities.

THE FULL TEXT OF THE PROPOSED AMENDMENTS BEGINS ON THE NEXT PAGE:

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 570

MUSKRAT, MINK, RACCOON, OPOSSUM, STRIPED SKUNK, WEASEL, RED FOX, GRAY FOX, COYOTE, BEAVER AND WOODCHUCK (GROUNDHOG) TRAPPING

Section

570.10 Statewide Zones

570.20 Statewide Season Dates

570.30 Statewide Hours, Daily Limit and Possession Limit

570.40 Trapping Regulations on Department-Owned, -Leased or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 2.30, 2.33, and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, pars. 1.2, 1.3, 2.30, 2.33 and 3.5).

SOURCE: Adopted at 5 Ill. Reg. 9767, effective September 17, 1981; codified at 5 Ill. Reg. 10637; amended at 6 Ill. Reg. 10709, effective August 20, 1982; amended at 7 Ill. Reg. 10778, effective August 24, 1983; amended at 8 Ill. Reg. 21589, effective October 23, 1984; amended at 9 Ill. Reg. 15864, effective October 7, 1985; amended at 10 Ill. Reg. 16644, effective September 24, 1986; amended at 12 Ill. Reg. 12034, effective July 7, 1988; emergency amendments at 12 Ill. Reg. 16261, effective September 23, 1988, for a maximum of 150 days; emergency expired February 20, 1989; amended at 13 Ill. Reg. _____, effective _____.

Section 570.20 Statewide Season Dates

a) Muskrat, mink, raccoon, opossum, striped skunk and weasel

1) Northern Zone: November 15 through December 29.

2) Southern Zone: November 25 through January 8.

b) Red fox, gray fox and coyote

1) Northern Zone: November 25 through December 29.

2) Southern Zone: November 25 through January 8.

c) Beaver

1) Northern Zone: November 15 through February 28 March 15, except those portions of Carroll, Whiteside and Rock Island counties lying west of Illinois Rt. 84 from Interstate 80 north to the JoDavies County line will be open to beaver trapping only from November 15 through December 29, inclusive.

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

- 2) Southern Zone: November 25 through ~~February-28~~ March 15.

d) Woodchuck (Groundhog)

Northern and Southern Zones: June 1 through September 30.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 570.30 Statewide Hours, Daily Limit and Possession Limit

a) Muskrat, mink, raccoon, opossum, striped skunk and weasel

- 1) Trapping hours: November 15 in the Northern Zone and November 25 in the Southern Zone open for trapping at sunrise; December 29 in the Northern Zone and January 8 in the Southern Zone closed for trapping after sunset; otherwise, hours are unrestricted.

- 2) Daily and possession limit: None

b) Red fox, gray fox and coyote

- 1) Trapping hours: November 25 open for trapping at sunrise; December 29 in the Northern Zone and January 8 in the Southern Zone closed for trapping after sunset; otherwise, hours are unrestricted.

- 2) Daily and possession limit: None

c) Beaver

- 1) Trapping hours: November 15 in the Northern Zone and November 25 in the Southern Zone open for trapping at sunrise; ~~February-28~~ March 15 closed for trapping after sunset except those portions of Carroll, Whiteside and Rock Island Counties lying west of Illinois Rt. 84 from Interstate 80 north to the Jo Daviess County line, are closed for trapping December 29 after sunset; otherwise, hours are unrestricted.

- 2) Daily and possession limit: None

d) Woodchuck (groundhog)

- 1) Trapping hours: June 1 open for trapping at sunrise; September 30 closed for trapping after sunset; otherwise hours unrestricted.

- 2) Daily and possession limit: none.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

Section 570.40 Trapping Regulations on Department-Owned, -Leased or -Managed Sites

a) General Regulations

- 1) All the regulations in 17 Ill. Adm. Code 510--General Hunting and Trapping apply in this Section, unless this Section is more restrictive.
- 2) On areas where special Department tags are issued to trappers, traps without tags attached will be subject to confiscation.

3) Trappers must stay within designated areas.

4) For sites where permits are required a drawing will be held prior to the opening of the season. The date of the drawing will be announced by the Department by news release and the drawing will be held at the site. The number of permits per site will be determined pursuant to 17 Ill. Adm. Code 510.20. Permit applicants must submit name and address to the site prior to drawing.

5) All sites except Lake Kincaid, Mississippi River Pools 16, 17, 18, 21, 22, 23, 24, Rend Lake Wildlife Management Area, Sanganois Fish and Wildlife Area and Savanna Ordnance Depot require trappers to submit a harvest report to the site superintendent within 20 days following the close of the trapping season. Failure to report will result in the trapper being ineligible to trap at that site for the following year.

6) Any person who violates the site specific regulations shall be guilty of a Class B Misdemeanor.

b) Statewide regulations as provided for in this Part apply at the following sites (exceptions in parentheses), in addition, body gripping traps with a 10 inch jaw spread or larger must be totally submerged in water when set:

1) Anderson Lake Conservation Area (no trapping during waterfowl duck season; permit required; only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets; only box or cage-type traps may be used for land sets)

2) Argyle Lake State Park (permit required; water sets only; beaver trapping only; square body-gripping traps with 10 inch jaw spread only)

3) Big Bend Fish and Wildlife Area (permit required; water sets only; only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water

DEPARTMENT OF CONSERVATION

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sets; after the close of upland season foot-hold traps with a jaw spread of 7½ inches or less may be used for water sets)

- 4) Carlyle Lake Wildlife Management Area (permit required; permit must be carried at all times when the trapper is on the area; water sets only; no trapping within 200 feet of developed recreation areas; no trapping in the subimpoundment area until after the close of the duck hunting season (the subimpoundment area is defined as that area bordered by the Kaskaskia River on the east and south and extending north and west to the Carlyle Lake project boundary and includes impoundment numbers 1, 2, 3 and 4); all traps used must be tagged with special Carlyle Lake trap tags which will be issued at the site headquarters)
- 5) Clinton Lake Recreation Area (permit required; water sets only)
- 6) Coffeen Lake State Park (permit required; water sets only; no trapping during waterfowl/duck season)
- 7) Coleta Ponds (permit required; water sets only; only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a jaw spread of 4½ inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets)
- 8) Eldon Hazlet State Park - north of Allen Branch and west of Peppenhorst Branch only (water sets only)
- 9) Fort de Chartres Historical Site (permit required; water sets only)
- 10) Fox Ridge State Park (permit required; water sets only; no more than two persons may enter drawing on a single card; current or previous year's Illinois trapping license required to enter drawing; trapping limited to areas within 15 feet of Embarrass River water's edge; body-gripping traps with a jaw spread exceeding 5 inches are limited to water sets only)
- 11) Green River State Wildlife Area (Lee County Conservation Area) (no trapping until after the close of the permit pheasant season; permit required)
- 12) Hennepin Canal Parkway including Mississippi Lake (permit required; water sets only; trappers must register at park office; only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a jaw spread of 4½ inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets; no floats may be set more than 14 days prior to the season and must be removed at the conclusion of the season)

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

- 13) Horseshoe Lake Conservation Area (Alexander County) (permit required; water sets only; beaver, mink and muskrat trapping only)
- 14) I & M Canal (permit required; only box or cage-type traps may be used for land sets)
- 15) Johnson-Sauk Trail State Park (permit required; water sets only; only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a jaw spread of 4½ inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets)
- 16) Kaskaskia River Fish and Wildlife Area (permit required; water sets only; Doza Creek Waterfowl Management Area closed three days prior to and during duck season)
- 17) Kidd Lake
- 18) Lake Kinkaid
- 19) Lake Le-Aqua-Na State Park (permit required; only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a jaw spread of 4½ inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets; only box or cage-type traps may be used for land sets)
- 20) Lake Shelbyville Eagle Creek Wildlife Management Area (permit required; current or previous year's Illinois trapping license required to enter drawing; no more than 50 traps may be used per permit; body-gripping traps with a jaw spread exceeding five inches are limited to water sets only; all traps must be tagged with the letters ECWA and the year; permit must be in possession when on the area for trapping purposes; body-gripping traps with a jaw spread exceeding 5 inches are limited to water sets only)
- 21) Lake Shelbyville West Okaw and Kaskaskia Fish and Wildlife Area (permit required; current or previous year's Illinois trapping license required to enter drawing; no more than 50 traps may be used per permit; no trapping in Fish Hook, Jonathan Creek, Dunn or McGee Waterfowl Areas during waterfowl season; body-gripping traps with a jaw spread exceeding 5 inches are limited to water sets only; all traps must be tagged with the letters SFWA, the year and be consecutively numbered from 1 through 50 and the year)
- 22) Mackinaw River State Fish and Wildlife Area (permit required; water sets only; only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a jaw spread of 4½ inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets)

DEPARTMENT OF CONSERVATION

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- 21)23) Marshall County Fish and Wildlife Area (permit required; water sets only; only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a jaw spread of 4½ inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets; no trapping during waterfowl season)
- 22)24) Mermet Lake Fish and Wildlife Area (permit required; water sets only; beaver, mink and muskrat trapping only)
- 23)25) Mississippi Palisades State Park (permit required; water sets only; beaver trapping only; square body-gripping traps with 10 inch jaw spread only)
- 24)26) Mississippi River Pools 16, 17, 18, 21, 22, 23, 24
- 25)27) Morrison Rockwood State Park (permit required; only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a jaw spread of 4½ inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets; only box or cage-type traps may be used for land sets)
- 26)28) Panther Creek Conservation Area
- 27)29) Pyramid State Park (permit required; water sets only; beaver, mink and muskrat trapping only)
- 28)30) Randolph County Conservation Area (permit required; water sets only)
- 29)31) Rend Lake Wildlife Management Area (no body-gripping traps may be used for land sets)
- 30)32) Rice Lake Fish and Wildlife Area (no trapping during waterfowl season; permit required; only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a jaw spread of 4½ inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets; only box- or cage-type traps may be used for land sets)
- 31)33) Rock Cut State Park (permit required; water sets only; only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a jaw spread of 4½ inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets)
- 32)34) Sanganois Fish and Wildlife Area (no trapping in designated waterfowl rest areas during the waterfowl season)
- 33)35) Sangchris Lake Fish and Wildlife Area (permit required; water sets only; no trapping during waterfowl season)

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- 34)36) Savanna Ordnance Depot (trapping area includes the islands and associated backwater sloughs immediately upstream from Lock and Dam 12; no trapping on mainland)
- 35)37) Shabbona Lake State Park (permit required; water sets only; only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a jaw spread of 4½ inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets)
- 36)38) Sparland Fish and Wildlife Area (permit required; water sets only; only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a jaw spread of 4½ inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets; no trapping during waterfowl season)
- 37)39) Spring Lake Conservation Area (permit required; water sets only; only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a jaw spread of 4½ inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets; no trapping during waterfowl season)
- 38)40) Turkey Bluffs Fish and Wildlife Area (permit required; water sets only)
- 39)41) Union County Conservation Area (permit required; water sets only; beaver, mink and muskrat trapping only)
- 40)42) Washington County Conservation Area (permit required; water sets only)
- c) Trapping is prohibited on all other Department-Owned, -leased or -managed sites except by special permit which will be issued by the Department when it is determined that the harvest of a species would enhance the biological balance of the resource.
- 1) All regulations will be according to species regulations as provided for in this Part.
 - 2) Permit application information and site specific regulations will be announced publicly by the Department through the news media by September 1 of each year.
 - 3) Site specific regulations will be listed on the application and permit and posted at the site.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

DEPARTMENT OF CONSERVATION

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- 1) HEADING OF THE PART: Squirrel Hunting
- 2) CODE CITATION: 17 Ill. Adm. Code 690
- 3) SECTION NUMBERS:
690.30
PROPOSED ACTION:
Amendments
- 4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, pars. 1.2, 1.3, 1.4, 2.1, 2.2, 2.28, and 3.5).
- 5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED: The amendments to this Part are based upon biological surveys and data analyses which have resulted in the determination that modifications to squirrel hunting regulations are necessary to maintain and manage healthy populations of squirrels.
- 6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? No
- 7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No
- 8) DOES THIS PROPOSED RULE CONTAIN INCORPORATIONS BY REFERENCE? No
- 9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART? No
- 10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.
- 11) TIME, PLACE, AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:

Jack Price
Lincoln Tower Plaza
524 S. Second Street
Springfield, Illinois 62701-1787
- 12) INITIAL REGULATORY FLEXIBILITY ANALYSIS: This rule has no impact on small businesses or municipalities.

THE FULL TEXT OF THE PROPOSED AMENDMENTS BEGINS ON THE NEXT PAGE:

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 690
SQUIRREL HUNTING

Section
690.10 Hunting Zones
690.20 Statewide Regulations
690.30 Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, pars. 1.2, 1.3, 1.4, 2.1, 2.2, 2.28, and 3.5).

SOURCE: Adopted at 5 Ill. Reg. 8017, effective July 24, 1981; codified at 5 Ill. Reg. 10642; emergency amendment at 5 Ill. Reg. 11382, effective October 14, 1981, for a maximum of 150 days; amended at 6 Ill. Reg. 9642, effective July 21, 1982, amended at 7 Ill. Reg. 8809, effective July 15, 1983; emergency amendment at 7 Ill. Reg. 9690, effective August 1, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 16789, effective August 30, 1984, amended at 9 Ill. Reg. 11614, effective July 16, 1985; amended at 10 Ill. Reg. 15601, effective September 16, 1986; amended at 11 Ill. Reg. 9549, effective May 5, 1987; amended at 12 Ill. Reg. 12246, effective July 15, 1988; amended at 13 Ill. Reg. _____, effective _____.

Section 690.30 Regulations at Various Department-Owned or -Managed Sites

- a) All the regulations in 17 Ill. Adm. Code 510, General Hunting and Trapping on Department-Owned or Managed Sites, apply in this Part, unless this Part is more restrictive.
- b) Only those sites listed in this Section marked with an asterisk (*) allow hunting with .22 caliber rimfire firearms or muzzle-loading black powder rifles.
- c) Statewide season regulations shall apply at the following sites (exceptions are listed in parentheses):

Anderson Lake Conservation Area
Big Bend Conservation Area
Big River State Forest

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* Carlyle Lake Lands and Waters - Corps of Engineers managed lands
Carlyle Lake Wildlife Management Area (in the Waterfowl Management Area from opening day to 3 days before the waterfowl season)

Clinton Lake State Park

* Crawford County Conservation Area

Eldon Hazlet State Park (North of Allen Branch and west of Peppenhorst Branch)

* Fort De Chartres Historic Site (black-powder-only-sunrise-to-4:00 p.m. hunting with muzzleloading firearms or bow and arrow)

Green River State Wildlife Area (September 6-30, no hunting during field trials)

* Horseshoe Lake Public Hunting Area - Alexander County (north of Route 3 only)

I-24 Wildlife Management Area

* Kaskaskia River Fish and Wildlife Area (Doza Creek Waterfowl Management Area from opening-day-to-3-days-before-waterfowl season enclosed 3 days prior to and during duck season)

Kickapoo State Park (free permit required, obtain from site office; hunters must return permit and report harvest by February 15 or hunting privileges for following year will be forfeited)

* Kinkaid Lake Fish and Wildlife Area

* Lake Shelbyville-Kaskaskia and West Okaw Wildlife Management Area (no pistols)

* Little Black Slough State Natural Area

Lower Cache River State Natural Area

Mackinaw State Fish and Wildlife Area (September 1 - October 31)

* Marseilles Fish and Wildlife Area (Monday through Thursday from September 9 through October 31)

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Marshall State Fish and Wildlife Area

* Mermet Lake Conservation Area (from opening day until the first day of the duck season)

Middle Fork Fish and Wildlife Area (free permit required, obtain from site office; hunters must return permit and report harvest by February 15 or hunting privileges for following year will be forfeited)

* Mississippi River Pools 16, 17, 18, 21, 22, 24, 25, 26

* Panther Creek Conservation Area

Parklands-Fish and Wildlife Area

* Pike County Conservation Area

Ramsey Lake State Park

Randolph County Conservation Area

Red Hills State Park

* Rend Lake Wildlife Management Area

* Saline County Conservation Area (North of the township road)

Sam Dale Lake Conservation Area

Sam Parr Fish and Wildlife Area

* Sand Ridge State Forest (from opening day until the first day of the upland hunting season)

* Sangamon County Conservation Area

* Sanganois Conservation Area

* Shawnee National Forest, LaRue Scatters (closes at noon)

* Shawnee National Forest, Oakwood Bottoms (Greentree Reservoir, west of Big Muddy Levee, closes at noon, steel shot only)

Site M (Saturdays and Sundays as announced by the Department; land leased from Commonwealth Edison in Cass County; hunter quota to be announced by public news release; check station will open at 5 a.m., and all hunters must check in and exchange their hunting license for a back patch which must be worn at all times while in the field. All hunters must check out and report harvest

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immediately after hunting; hunting is permitted in designated areas only; parking is permitted at designated parking areas only)

Stephen A. Forbes State Park

Tapley Woods State Natural Area

* Trail of Tears State Forest

* Turkey Bluffs ~~Conservation~~ State Fish and Wildlife Area

Washington County Conservation Area

Weinberg-King State Park

* Wildcat Hollow State Forest

Woodford County Conservation Area

d) Season dates shall be the day following Labor Day to the end of the statewide season at the following sites:

Ferne Clyffe State Park

Ft. Massac State Park (east of Massac Creek only)

Giant City State Park

Hamilton County Conservation Area

Pere Marquette State Park

Pyramid State Park

~~Ramsey Lake State Park~~

Saline County Conservation Area (south of Township Road)

~~San Dale Lake Conservation Area~~

Siloam Springs State Park

Washington County Conservation Area

e) The following season dates shall apply on the following sites (exceptions to statewide hours are listed in parentheses):

Argyle Lake State Park; October 15 to the end of the statewide season

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Castle Rock State Park; September 1 - October 15

* Horseshoe Lake Public Hunting Area, Alexander County, south of Rt. 3 only; August 1 - September 30

Iroquois County Conservation Area; September 1 - 30; ~~hunters must check in and check out and report harvest~~

Johnson Sauk Trail State Park; September 15 - 30

Jubilee College State Park; September 1-30 (Sunrise - 4:00 p.m.)

Kankakee River State Park; September 1-30; ~~hunters must check out and report harvest~~

Moraine View State Park; September 1 - day before opening of site's permit pheasant season; Sunrise - 4:00 p.m.; ~~hunters must check out and report harvest before leaving site~~

Silver Springs State Park; September 1 - 30 in Area C; September 1 - October 31 in Area B; ~~hunters must sign in and sign out; harvest must be reported before leaving the site; daily quota filled on first come, first-serve basis~~

Spring Lake Conservation Area; September 10 - 30 (Sunrise - 4:00 p.m.)

* Union County Public Shooting Area (Firing Line Management Unit only); August 1 - ~~September 30~~ November 1

Walnut Point Fish and Wildlife Area; October 1-15 Monday - Friday only; daily from October 16 to end of Statewide Season

f) Statewide regulations as provided in this Part apply at the following sites with exceptions noted in parentheses. In addition, hunters must obtain a free permit from site office. Permits must be in possession while hunting. A windshield card provided along with permit must be displayed in hunter's vehicle windshield while hunting with permit number visible. The permit must be returned and harvest reported by February 15 or hunter will forfeit hunting privileges for that site for the following year.

Clinton Lake State Park

Eagle Creek State Park (Season opens September 15)

* Fox Ridge State Park (~~22-rifle-fires-and-muzzle-loading-rifles permitted; no handguns~~)

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- * - Hidden Springs State Forest (.22 rimfire rifles and muzzle-loading rifles permitted after October 1 only; no handguns)
- * - Lake Shelbyville Eagle Creek Wildlife Management Area (no handguns)

(Source: Amended at 13 Ill. Reg. _____, effective _____)

BOARD OF GOVERNORS OF STATE COLLEGES AND UNIVERSITIES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Joint Rules of the Board of Regents, the Board of Governors of State Colleges and Universities, the Board of Trustees of the University of Illinois, and the Board of Trustees of Southern Illinois University: Procurement and Bidding
- 2) Code Citation: 44 Ill. Adm. Code 530
- 3) Section Numbers: Proposed Action:
Not Applicable Not Applicable
- 4) Statutory Authority: Implementing and authorized by the Illinois Purchasing Act (Ill. Rev. Stat. 1987, ch. 127, pars. 132.1 et seq.).
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendments make editorial changes, clarify existing procedures, conform the rules to changes in the applicable laws and simplify the text of the Rules.
- 6) Will these proposed amendments replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Do these proposed amendments contain incorporations by reference? Yes.
- 9) Are there any proposed amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act (Ill. Rev. Stat. 1987, ch. 85, par. 2203).
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after this edition of the Illinois Register to the following:

Mr. Richard J. Coffee, II, Staff Counsel
Board of Regents
One West Old State Capitol Plaza
Springfield, IL 62701
- 12) Initial Regulatory Flexibility Analysis:
 - A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: December 20, 1988
 - B) Types of small businesses affected: Business which bid or seek to bid on university contracts.

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- C) Reporting, bookkeeping or other procedures required for compliance: These amendments do not require any additional procedures for compliance.
- D) Types of professional skills necessary for compliance. These amendments do not require any additional skills of vendors for compliance.

The full text of the Proposed Amendments is published with the submission of the Board of Regents on page 2709 of this Register.

POLLUTION CONTROL BOARD

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- 1) Heading of the Part: Underground Storage Tanks

- 2) Code Citation: 35 Ill. Adm. Code 731

- 3) Section Numbers:

731.101, 731.102, 731.103
731.110, 731.111, 731.112, 731.113, 731.114,
731.120, 731.121, 731.122, 731.130, 731.131,
731.132, 731.133, 731.134, 731.140, 731.141,
731.142, 731.143, 731.144, 731.145, 731.150,
731.151, 731.152, 731.153, 731.160, 731.161,
731.162, 731.163, 731.164, 731.165, 731.166,
731.167, 731.170, 731.171, 731.172, 731.173,
731.174
731.900, 731.901

Proposed Action:

Repeals

New Sections
Repeals

- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1022.4 and 1027.

- 5) A Complete Description of the Subjects and Issues Involved:

A complete description is contained in the Board's Proposed Opinion of February 2, 1989 in R88-27, which Opinion is available from the address below. Section 22.4(e) of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1022.4(e)) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This proposal updates the Board's underground storage tank (UST) rules to correspond with major amendments adopted by USEPA at 53 Fed. Reg. 37082, September 23, 1988. The financial assurance rules adopted at 53 Fed. Reg. 43370, October 26, 1988 will be addressed in a separate Docket.

The UST rules govern underground storage tanks which contain hazardous substances or petroleum products. These rules mainly concern gasoline storage tanks. Hazardous waste storage tanks are regulated pursuant to 35 Ill. Adm. Code 724.290 and 725.290, et seq., which are not involved in this proposal.

Ill. Rev. Stat. 1987, ch. 127 1/2, par. 154(b) requires the Office of the Illinois State Fire Marshal to also adopt rules which are identical in substance with these same USEPA rules. These rules are expected to appear in the Illinois Register in the near future. Section 22.4(e) of the Environmental Protection Act allows the Board to adopt regulations which are identical in substance to any additional regulations adopted by the Fire Marshal. No such additional regulations are contained in this

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proposal at the present time.

tanks and related equipment.

6) Will this proposed rule replace an emergency rule currently in effect?
No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed amendment contain incorporations by reference?

Yes. Section 731.113 incorporates rules and regulations of agencies of the United States and standards or guidelines of nationally recognized organizations or associations.

9) Are there any other amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives:

This rulemaking is mandated by Section 22.4(e) of the Environmental Protection Act. It will impact units of local government which own or operate underground storage tanks which contain hazardous substances or petroleum products. The rules are intended to prevent groundwater contamination caused by leaking underground storage tanks.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R88-27 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: February 9, 1989.

B) Types of small businesses affected:

The existing rules and proposed amendments affect small businesses which own or operate underground storage tanks which contain hazardous substances or petroleum products. The rules will mainly affect small businesses with gasoline storage tanks. The rules will also indirectly affect small businesses involved in the manufacturing, installation, testing or repair of underground storage

C) Reporting, bookkeeping or other procedures required for compliance:

The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including notification of the existence of tanks, monitoring for leaks, reporting of suspected leaks, preparation of corrective action plans and maintenance of repair records.

D) Types of professional skills necessary for compliance:

Compliance with the existing rules and proposed amendments may require the services of an attorney and registered professional engineers with training in corrosion protection and hydrogeology.

The full text of the Proposed Amendments begins on the next page:

POLLUTION CONTROL BOARD

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER d: UNDERGROUND INJECTION CONTROL
AND UNDERGROUND STORAGE TANK PROGRAMS

PART 731

UNDERGROUND STORAGE TANKS

Section
731.101
731.102
731.103

Definitions and exemptions (Repealed)
Interim prohibitions (Repealed)
Notification Requirements (Repealed)

SUBPART A: PROGRAM SCOPE AND INTERIM PROHIBITION

Section
731.110
731.111
731.112
731.113
731.114

Applicability
Interim Prohibition for Deferred Systems
Definitions
Incorporations by Reference
Implementing Agency

SUBPART B: UST SYSTEMS: DESIGN, CONSTRUCTION, INSTALLATION AND NOTIFICATION

Section
731.120
731.121
731.122

Performance Standards for New Systems
Upgrading of Existing Systems
Notification Requirements

SUBPART C: GENERAL OPERATING REQUIREMENTS

Section
731.130
731.131
731.132
731.133
731.134

Spill and Overfill Control
Operation and Maintenance of Corrosion Protection
Compatibility
Repairs Allowed
Reporting and Recordkeeping

SUBPART D: RELEASE DETECTION

Section
731.140
731.141
731.142
731.143
731.144
731.145

General Requirements for all Systems
Petroleum Systems
Hazardous Substance Systems
Tanks
Piping
Recordkeeping

SUBPART E: RELEASE REPORTING, INVESTIGATION AND CONFIRMATION

Section
731.150
731.151

Reporting of Suspected Releases
Investigation due to Off-site Impacts

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Release Investigation and Confirmation
Reporting and Cleanup of Spills and Overfills

SUBPART F: RELEASE RESPONSE AND CORRECTIVE ACTION

Section
731.160
731.161
731.162
731.163
731.164
731.165
731.166
731.167

General
Initial Response
Initial Abatement Measures and Site Check
Initial Site Characterization
Free Product Removal
Investigations for Soil and Groundwater Cleanup
Corrective Action Plan
Public Participation

SUBPART G: OUT-OF-SERVICE SYSTEMS AND CLOSURE

Section
731.170
731.171
731.172
731.173
731.174
731.900
731.901
Appendix A

Temporary Closure
Permanent Closure and Changes-in-Service
Assessing Site at Closure or Change-in-Service
Previously Closed Systems
Closure Records
Incorporations by reference (Repealed)
Compliance Date (Repealed)
Notification Form

AUTHORITY: Implementing Section 22.4(e) and authorized by Section 27 of the Environmental Protection Act (111. Rev. Stat. 1987, ch. 111 1/2, pars. 1022.4(e) and 1027).

SOURCE: Adopted in R86-1 at 10 111. Reg. 14175, effective August 12, 1986; amended in R86-28 at 11 111. Reg. 6220, effective March 24, 1987; amended in R88-27 at 13 111. Reg. , effective .

Section 731.101 Definitions and exemptions Repealed

- a) "Operator" means any person in control of, or having responsibility for, the daily operation of an underground storage tank.

b) "Owner" means:

1) In the case of an underground storage tank in use on November 8, 1984, or brought into use after that date, any person who owns an underground storage tank used for storage, use or dispensing of regulated substances; and

2) In the case of any underground storage tank in use before November 8, 1984, but no longer in use on that date, any person who owned such tank immediately before discontinuation of its use.

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e) "Person" has the same meaning as provided in Section 1004(15) of the Resource Conservation and Recovery Act, as amended, (42 U.S.C. 6901 et seq.) except that such term includes a consortium, a joint venture, a commercial entity, and the United States Government.

d) "Regulated substance" means

1) Any substance of defined in Section 101(14) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9601 et seq.) (but not including any substance regulated as a hazardous waste under Subtitle C of the Resource Conservation and Recovery Act, as amended), and

2) Petroleum, including crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute).

e) "Release" means any spilling, leaking, emitting, discharging, escaping, leaching or disposing from an underground storage tank into groundwater, surface water or subsurface soils.

f) "Underground storage tank" means any one or combination of tanks (including underground pipes connected thereto) which is used to contain an accumulation of regulated substances, and the volume of which (including the volume of the underground pipes connected thereto) is ten per centum or more beneath the surface of the ground. Such term does not include any:

1) Farm or residential tank of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes;

2) Tank used for storing heating oil for consumptive use on the premises when stored;

3) Septic tank;

4) Pipeline facility (including gathering lines);

5) Regulated under the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1671 et seq.) or

6) Regulated under the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. 2001 et seq.) or

7) Regulated under the Illinois Gas Pipeline Safety Act, Ill. Rev. Stat. 1985, ch. 111 2/3, pars. 551 et seq.;

8) Surface impoundment, pit pond or lagoon;

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9) Storm water or wastewater collection system;

10) Flow-through process tank;

11) Liquid trap or associated gathering lines directly related to oil or gas production and gathering operations; or

12) Storage tank situated in an underground area (such as a basement, cellar, mine, shaft, drift, shaft or tunnel) if the storage tank is situated upon or above the surface of the undesignated floor;

13) Any pipes connected to any tank which is described in subsection (d)(1) through (d)(12).

(Source: Repealed at 13 Ill. Reg. , effective)

Section 731.102 Interim prohibitions (Repealed)

- a)

Between May 7, 1985 and the effective date of the standards promulgated by the Administrator of the United States Environmental Protection Agency under Section 9003(e) of the Hazardous and Solid Waste Amendments of 1984 (42 U.S.C. 6901 et seq.) no person may install an underground storage tank for the purpose of storing regulated substances unless such tank (whether of single or double wall construction):

1) Will prevent releases due to corrosion or structural failure for the operational life of the tank;

2) Is cathodically protected against corrosion, constructed of noncorrosive material, steel clad with a noncorrosive material or designed in a manner to prevent the release or threatened release of any stored substance; and

3) The material used in the construction or lining of the tank is compatible with the substance to be stored.

b) Notwithstanding subsection (a), is soil tests conducted in accordance with ASTM Standard G57-78, incorporated by reference in Section 731.900, show that soil resistivity in an installation location is 12,000 ohm-cm or more, a storage tank without corrosion protection may be installed in that location during the period referred to in subsection (a).

(Source: Repealed at 13 Ill. Reg. , effective)

Section 731.103 Notification Requirements (Repealed)

POLLUTION CONTROL BOARD

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- a) Each owner of an underground storage tank currently in use shall submit, in the form prescribed in Appendix A, a notice of the existence of such tank to:

Underground Storage Tank Coordinator
Division of Fire Prevention
Office of State Fire Marshal
3150 Executive Park Drive
Springfield, IL 62703-4599

- b) Each owner of an underground storage tank taken out of operation after January 1, 1974, (unless the owner knows that such tank has been removed from the ground) shall submit, in the form prescribed in Appendix A, a notice of the existence of such tank to the address specified in subsection (a).
- c) Any owner who brings an underground storage tank into use shall, within 30 days after bringing such tank into use, submit, in the form prescribed in Appendix A, a notice of the existence of such tank to the address specified in subsection (a).
- d) Owners required to submit notices under subsections (a) through (c) shall provide notices to the agency specified in subsection (a) for each tank they own. Owners may provide notice for several tanks on one form, but owners who own tanks located at more than one place of operation shall file a separate notification form for each separate place of operation.
- e) Notices submitted under subsections (a) through (c) must provide all of the information indicated on the form in Appendix A for each tank for which notice must be given.
- f) Through June 8, 1987, any person who deposits regulated substances in an underground storage tank shall make reasonable efforts to notify the owner or operator of such tank of the owner's obligations under subsections (a) through (c).
- g) Beginning 30 days after the United States Environmental Protection Agency issues new tank performance standards pursuant to Section 9003(e) of the Resource Conservation and Recovery Act, any person who sells a tank intended to be used as an underground storage tank shall notify the purchaser of such tank of the owner's notification obligations under subsections (a) through (c).
- h) Subsections (a) through (c) do not apply to tanks for which notice was given pursuant to Section 103(e) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980.

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(Source: Repealed at 13 Ill. Reg. , effective)

SUBPART A: PROGRAM SCOPE AND INTERIM PROHIBITION

Section 731.110 Applicability

- a) This Part applies to owners and operators of an UST system as defined in Section 731.112 except as otherwise provided in subsections (b), (c) or (d). Any UST system listed in subsection (c) must meet the requirements of Section 731.111.
- b) The following UST systems are excluded from the requirements of this Part:
- 1) Any UST system holding hazardous waste or a mixture of such hazardous waste and other regulated substances.
 - 2) Any wastewater treatment tank system that is part of a wastewater treatment facility regulated under Section 12(f) of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1012(f)).
 - 3) Equipment or machinery that contains regulated substances for operational purposes such as hydraulic lift tanks and electrical equipment tanks.
 - 4) Any UST system whose capacity is 110 gallons or less.
 - 5) Any UST system that contains a de minimus concentration of regulated substances.
 - 6) Any emergency spill or overflow containment UST system that is expeditiously emptied after used.
- c) Deferrals. Subparts B, C, D, E and G do not apply to any of the following types of UST systems:
- 1) Wastewater treatment tank systems;
 - 2) Any UST systems containing radioactive materials that are regulated by the Nuclear Regulatory Commission under the Atomic Energy Act of 1954 (42 U.S.C. Section 2011 et seq.);
 - 3) Any UST system that is part of an emergency generator system at nuclear power generation facilities regulated by the Nuclear Regulatory Commission under 10 CFR 50, Appendix A, incorporated by reference in Section 731.113.
 - 4) Airport hydrant fuel distribution systems; and

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5) UST systems with field-constructed tanks.

- d) Deferrals. Subpart D does not apply to any UST system that stores fuel solely for use by emergency power generators.

(Source: Added at 13 Ill. Reg. , effective)

Section 731.111 Interim Prohibition for deferred UST systems

- a) No person shall install an UST system listed in Section 731.110(c) for the purpose of storing regulated substances unless the UST system (whether of single or double-wall construction):

1) Will prevent releases due to corrosion or structural failure for the operational life of the UST system;

2) Is cathodically protected against corrosion, constructed of noncorrodible material, steel clad with a noncorrodible material, or designed in a manner to prevent the release or threatened release of any stored substance; and

3) Is constructed or lined with material that is compatible with the stored substance.

- b) Notwithstanding subsection (a), an UST system without corrosion protection may be installed at a site that is determined by a corrosion expert not to be corrosive enough to cause it to have a release due to corrosion during its operating life. Owners or operators shall maintain records that demonstrate compliance with the requirements of this subsection for the remaining life of the tank.

BOARD NOTE: NACE RP0285, incorporated by reference in Section 731.113, may be used as guidance for compliance with this subsection.

(Source: Added at 13 Ill. Reg. , effective)

Section 731.112 Definitions

"Aboveground release" means any release to the surface of the land or to surface water. This includes, but is not limited to, releases from the aboveground portion of an UST system and aboveground releases associated with overfills and transfer operations as the regulated substance moves to or from an UST system.

"Act" means the Illinois Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1001 et seq.).

"Agency" means the Illinois Environmental Protection Agency.

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"Ancillary equipment" means any devices including, but not limited to, such devices as piping, fittings, flanges, valves and pumps used to distribute, meter or control the flow of regulated substances to and from an UST.

"Belowground release" means any release to the subsurface of the land and to groundwater. This includes, but is not limited to, releases from the belowground portions of an underground storage tank system and belowground releases associated with overfills and transfer operations as the regulated substance moves to or from an underground storage tank.

"Beneath the surface of the ground" means beneath the ground surface or otherwise covered with earthen materials.

"Board" means the Illinois Pollution Control Board.

"Cathodic protection" is a technique to prevent corrosion of a metal surface by making that surface the cathode of an electrochemical cell. For example, a tank system can be cathodically protected through the application of either galvanic anodes or impressed current.

"Cathodic protection tester" means a person who can demonstrate an understanding of the principles and measurements of all common types of cathodic protection systems as applied to buried or submerged metal piping and tank systems. At a minimum, such persons shall have education and experience in soil resistivity, stray current, structure-to-soil potential and component electrical isolation measurements of buried metal piping and tank systems.

"CERCLA" means the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (42 U.S.C. Section 9601 et seq.).

"Compatible" means the ability of two or more substances to maintain their respective physical and chemical properties upon contract with one another for the design life of the tank system under conditions likely to be encountered in the UST.

"Connected piping" means all underground piping including valves, elbows, joints, flanges and flexible connectors attached to a tank system through which regulated substances flow. For the purpose of determining how much piping is connected to any individual UST system, the piping that joins two UST systems must be allocated equally between them.

"Consumptive use" with respect to heating oil means consumed on the

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premises.

"Corrosion expert" means a person who, by reason of thorough knowledge of the physical sciences and the principles of engineering and mathematics acquired by a professional education and related practical experience, is qualified to engage in the practice of corrosion control on buried or submerged metal piping systems and metal tanks. Such a person shall be accredited or certified as being qualified by the National Association of Corrosion Engineers or be a registered professional engineer who has certification or licensing that includes education and experience in corrosion control of buried or submerged metal piping systems and metal tanks.

"Dielectric material" means a material that does not conduct direct electrical current. Dielectric coatings are used to electrically isolate UST systems from the surrounding soils. Dielectric bushings are used to electrically isolate portions of the UST system (e.g., tank from piping).

"Electrical equipment" means underground equipment that contains dielectric fluid that is necessary for the operation of equipment such as transformers and buried electrical cable.

"ESDA" means the Illinois Emergency Services and Disaster Agency.

"Excavation zone" means the volume containing the tank system and backfill material bounded by the ground surface, wall and floor of the pit and trenches into which the UST system is placed at the time of installation.

"Existing tank system" means a tank system used to contain a accumulation of regulated substances or for which installation has commenced on or before December 22, 1988. Installation is considered to have commenced if:

The owner or operator has obtained all federal, state and local approvals or permits necessary to begin physical construction of the site or installation of the tank system;

And, if either:

A continuous on-site physical construction or installation program has begun; or,

The owner or operator has entered into contractual obligations, which cannot be cancelled or modified without substantial loss, for physical construction at the site or installation of the tank system to be completed within a reasonable time.

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"Farm tank" is a tank located on a tract of land devoted to the production of crops or raising animals, including fish, and associated residences and improvements. A farm tank must be located on the farm property. "Farm" includes fish hatcheries, rangeland and nurseries with growing operations.

"Fire Marshal" means the Illinois State Fire Marshal.

"Flow-through process tank" is a tank that forms an integral part of a production process through which there is a steady, variable, recurring or intermittent flow of materials during the operation of the process. Flow-through process tanks do not include tanks used for the storage of materials prior to their introduction into the production process or for the storage of finished products or by-products from the production process.

"Free product" refers to a regulated substance that is present as a nonaqueous liquid phase (e.g., liquid not dissolved in water.)

"Gasoline Act" means "an Act to regulate the storage, transportation, sale and use of gasoline and volatile oils", approved June 28, 1919, as amended (111. Rev. Stat. 1987, ch. 127 1/2, par. 151 et seq.)

"Gathering lines" means any pipeline, equipment, facility or building used in the transportation of oil or gas during oil or gas production or gathering operations.

"Hazardous substance" means any substance listed in 40 CFR 302.4, incorporated by reference in Section 731.113 (but not including any substance regulated as a hazardous waste under 35 Ill. Adm. Code 721).

BOARD NOTE: This definition is derived from the definition of "hazardous substance UST system" in 40 CFR 280.12, as adopted at 53 Fed. Reg. 37194, September 23, 1988, and "hazardous substance" in Section 101(14) of CERCLA. The USEPA regulations which implement the statutes cited in CERCLA have been inserted in place of the authorizing statutes.

"Hazardous substance UST system" means an underground storage tank system that contains a "hazardous substance", or any mixture of "hazardous substances" and "petroleum" which is not a "petroleum UST system".

BOARD NOTE: This definition is derived from the corresponding definition in 40 CFR 280.12, as adopted at 53 Fed. Reg. 37194, September 23, 1988, inserting terms defined elsewhere in this Section.

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"Heating oil" means petroleum that is No. 1, No. 2, No. 4--light, No. 4--heavy, No. 5--light, No. 5--heavy or No. 6 technical grades of fuel oil; other residual fuel oils (including Navy Special Fuel Oil and Bunker C); or other fuels when used as substitutes for one of these fuel oils. Heating oil is typically used in the operation of heating equipment, boilers or furnaces.

"Hydraulic lift tank" means a tank holding hydraulic fluid for a closed-loop mechanical system that uses compressed air or hydraulic fluid to operate lifts, elevator and other similar devices.

"Implementing agency". See Section 731.114.

"Liquid trap" means sumps, well cellars and other traps used in association with oil and gas production, gathering and extraction operations (including gas production plants), for the purpose of collecting oil, water and other liquid. These liquid traps may temporarily collect liquids for subsequent disposition for reinjection into a production or pipeline stream, or may collect and separate liquids from gas stream.

"Maintenance" means the normal operational upkeep to prevent an underground storage tank system from releasing product.

"Motor fuel" means petroleum or a petroleum-based substance that is motor gasoline, aviation gasoline, No. 1 or No. 2 diesel fuel or any grade of gasohol, and is typically used in the operation of a motor engine.

"New tank system" means a tank system that will be used to contain an accumulation of regulated substances and for which installation has commenced after December 22, 1988. (See also "Existing Tank System.")

"Noncommercial purposes" with respect to motor fuel means not for resale.

"On the premises where stored" with respect to heating oil means UST systems located on the same property where the stored heating oil is used.

"Operational life" refers to the period beginning when installation of the tank system has commenced until the time the tank system is properly closed under Subpart 6.

"Operator" means any person in control of, or having responsibility for, the daily operation of the UST system.

"Overfill release" is a release that occurs when a tank is filled

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beyond its capacity, resulting in a discharge of the regulated substance to the environment.

"Owner" means:

In the case of an UST system in use on November 8, 1984, or brought into use after that date, any person who owns an UST system used for storage, use or dispensing of regulated substances; and

In the case of any UST system in use before November 8, 1984, but no longer in use on that date, any person who owned such UST immediately before the discontinuation of its use.

"Person" means an individual, trust, firm, joint stock company, federal agency, corporation, state, municipality, commission, political subdivision of a state or any interstate body. Person, also includes a consortium, a joint venture, a commercial entity and the United States Government.

"Petroleum" means crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute). The term "petroleum" includes, but is not limited to, petroleum and petroleum-based substances comprising a complex blend of hydrocarbons derived from crude oil through processes of separation, conversion, upgrading and finishing, such as motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents and used oils.

BOARD NOTE: This definition is derived from the definitions of "petroleum UST system" and "regulated substance" in 40 CFR 280.12, as adopted at 53 Fed. Reg. 37194, September 23, 1988.

"Petroleum UST system" means an underground storage tank system that contains petroleum or a mixture of "petroleum" with de minimus quantities of other "regulated substances".

BOARD NOTE: This definition is derived from the corresponding definition in 40 CFR 280.12, as adopted at 53 Fed. Reg. 37194, September 23, 1988, inserting terms defined elsewhere in this Section.

"Pipe" or "Piping" means a hollow cylinder or tabular conduit that is constructed of non-earthen materials.

"Pipeline facilities (including gathering lines): are new and existing pipe rights-of-way and any associated equipment, facilities or buildings.

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"Regulated substance" means any "hazardous substance" or "petroleum".

BOARD NOTE: This definition is derived from the corresponding definition in 40 CFR 280.12, as adopted at 53 Fed. Reg. 37194, September 23, 1988, inserting terms defined elsewhere in this Section.

"Release" means any spilling, leaking, emitting, discharging, escaping, leaching or disposing from an UST into groundwater, surface water or subsurface soils.

"Release detection" means determining whether a release of a regulated substance has occurred from the UST system into the environment or into the interstitial space between the UST system and its secondary barrier or secondary containment around it.

"Repair" means to restore a tank or UST system component that has caused a release of product from the UST system.

"Residential tank" is a tank located on property used primarily for dwelling purposes.

"Septic tank" is a water-tight covered receptacle designed to receive or process, through liquid separation or biological digestion, the sewage discharged from a building sewer. The effluent from such receptacle is distributed for disposal through the soil and settled solids and scum from the tank are pumped out periodically and hauled to a treatment facility.

"Storm water or wastewater collection system" means piping, pumps, conduits and any other equipment necessary to collect and transport the flow of surface water run-off resulting from precipitation, or domestic, commercial or industrial wastewater to and from retention areas of any areas where treatment is designated to occur. The collection of storm water and wastewater does not include treatment except where incidental to conveyance.

"Surface impoundment" is a natural topographic depression, man-made excavation, or diked area formed primarily of earthen materials (although it may be lined with man-made materials) that is not an injection well.

"Tank" is a stationary device designed to contain an accumulation of regulated substances and constructed of non-earthen materials (e.g., concrete, steel, plastic) that provide structural support.

"Underground area" means an underground room, such as a basement, cellar, shaft or vault, providing enough space for physical inspection of the exterior of the tank situated on or above the

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surface of the floor.

"Underground release" means any below-ground release.

"Underground storage tank" or "UST" means any one or combination of tanks (including underground pipes connected thereto) which is used to contain an accumulation of regulated substances, and the volume of which (including the volume of the underground pipes connected thereto) is ten per centum or more beneath the surface of the ground. Such term does not include any:

Farm or residential tank of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes.

Tank used for storing heating oil for consumptive use on the premises where stored.

Septic tank.

Pipeline facility (including gathering lines) regulated under:

The Natural Gas Pipeline Safety Act of 1968 (49 U.S.C.A. 1671 et seq. (1987 and 1987 Supp.)) or

The Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C.A. 2001 et seq. (1987)) or

The Illinois Gas Pipeline Safety Act, Ill. Rev. Stat. 1987, ch. 111 2/3, pars. 551 et seq.,

Surface impoundment, pit, pond or lagoon,

Storm-water or wastewater collection system,

Flow-through process tank,

Liquid trap or associated gathering lines directly related to oil or gas production and gathering operations; or

Storage tank situated in an underground area (such as a basement, cellar, mineworking, drift, shaft or tunnel) if the storage tank is situated upon or above the surface of the floor.

The term "underground storage tank" does not include any pipes connected to any tank which is described in the above subparagraphs.

"Upgrade" means the addition or retrofit of some systems such as cathodic protection, lining or spill and overfill controls to improve the ability of an underground storage tank system to prevent the

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release of product.

"UST" system" or "Tank system" means an underground storage tank, connected underground piping, underground ancillary equipment, and containment system, if any.

"Wastewater treatment tank" means a tank that is designed to receive and treat an influent wastewater through physical, chemical or biological methods.

(Source: Added at 13 Ill. Reg. , effective)

Section 731.113 Incorporations by Reference

a) The following publications are incorporated by reference:

ACT. Available from the Association for Composite Tanks, 108 N. State St., Suite 720, Chicago, IL 60602, (800) 368-2105:

ACT-100/88, "Specification for the Fabrication of FRP Clad/Composite Underground Storage Tanks", revised March 16, 1988

ANSI. Available from the American National Standards Institute, 1430 Broadway, New York, New York 10018, (212) 354-3300:

ANSI B31.3 -- 1976, with addendum B31.3(d), "Petroleum Refinery Piping," (1980).

ANSI B31.4 -- 1974, with addendum B31.4(b), "Liquid Petroleum Transportation Piping Systems" (1981).

API. Available from the American Petroleum Institute, 1220 L Street, N.W., Washington, D.C. 20005, (202) 682-8375:

API Recommended Practice 1604, "Removal and Disposal of Used Underground Petroleum Storage Tanks", Second Edition, December, 1987

API Recommended Practice 1615, "Installation of Underground Petroleum Storage Systems", Fourth Edition, November, 1987

API Recommended Practice 1621, "Bulk Liquid Stock Control at Retail Outlets", Fourth Edition, December, 1987

API Recommended Practice 1626, "Storing and Handling Ethanol and Gasoline-Ethanol Blends at Distribution Terminals and Service Stations", First Edition, April, 1985

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API Recommended Practice 1627, "Storage and Handling of Gasoline-Methanol/Cosolvent Blends at Distribution Terminals and Service Stations", First Edition, August, 1986

API Recommended Practice 1631, "Interior Lining of Underground Storage Tanks", Second Edition, December, 1987

API Recommended Practice 1632, "Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems", Second Edition, December, 1987

API Publication 2015, "Cleaning Petroleum Storage Tanks", Third Edition, September, 1985

API Publication 2200, "Repairing Crude Oil, Liquefied Petroleum Gas, and Product Pipelines", Second Edition, April, 1983

ASTM. Available from American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103, (215) 299-5400:

ASTM D4021-86, "Standard Specification for Glass-Fiber-Reinforced Polyester Underground Petroleum Storage Tanks", approved July 25, 1986.

NACE. Available from the National Association of Corrosion Engineers, 1400 South Creek Dr., Houston, TX 77084, (713) 492-0535:

NACE Standard Recommended Practice RP0169-83, "Control of External Corrosion on Underground or Submerged Metallic Piping Systems", Revised January, 1983

NACE Standard Recommended Practice RP0285-85, "Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems", Approved March, 1985

NFPA. Available from the National Fire Protection Association, Batterymarch Park, Boston, MA 02269, (617) 770-3000 or (800) 344-3555:

NFPA 30, "Flammable and Combustible Liquids Code", issued July 17, 1987. Also available from ANSI.

NFPA 395, "Tank Vehicles for Flammable and Combustible Liquids", issued December 7, 1984. Also available from ANSI.

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NIOSH. Available from the National Institute for Occupational Safety and Health, Publications Office, 4676 Columbia Parkway, Cincinnati, OH 45226 (513) 533-8287:

NIOSH Publication No. 80-106, "Criteria for a Recommended Standard ...Working in a Confined Spaces", December, 1979

NLPA. Available from the National Leak Prevention Association, 4090 Rose Hill Ave., Cincinnati, OH 45229 (800) 543-1838:

NLPA Standard 631, "Spill Prevention, Minimum 10 Year Life Extension of Existing Steel Underground Storage Tanks by Lining Without the Addition of Cathodic Protection"

PEI. Petroleum Equipment Institute, Box 2380, Tulsa, OK 74101 918/ 743-9941.

PEI/RP100-87, "Recommended Practices for Installation of Underground Liquid Storage Systems", 1987 Edition

STI. Available from the Steel Tank Institute, 728 Anthony Trail, Northbrook, IL 60062, (312) 498-1980:

STI-P3, "Specification and Manual for External Corrosion Protection of Underground Steel Storage Tanks", effective May 1, 1987.

STI, "Standard for Dual Wall Underground Steel Storage Tanks" (1986).

UL. Underwriters Laboratories, Inc., Publications Stock, 333 Pfingsten Road, Northbrook, IL 60062-2096 312/ 272-8800, extension 2612 or 2622:

UL 58 -- 1985, "Standard for Steel Underground Tanks for Flammable and Combustible Liquids", Eighth Edition, April 15, 1986. Also available from ANSI.

UL 567 -- 1983, "Standard for Pipe Connectors for Flammable and Combustible Liquids and LP-Gas", Fifth Edition, March 12, 1984, as revised September 30, 1985. Also available from ANSI.

UL 1316, "Standard for Glass-Fiber-Reinforced Plastic Underground Storage Tanks for Petroleum Products", First Edition, July 1, 1983, as revised April 29, 1986 and March 3, 1987

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UL Canada. Underwriters' Laboratories of Canada, 7 Crouse Rd., Scarborough, Ontario M1R 3A9 CANADA, 416/ 757-3611.

UL Canada Standard CAN4-S603-M85, "Standard for Steel Underground Tanks for Flammable and Combustible Liquids", First Edition, June, 1985.

UL Canada Standard CAN4-S603.1-M85, "Standard for Galvanic Corrosion Protection Systems for Steel Underground Tanks for Flammable and Combustible Liquids", First Edition, June, 1985.

UL Canada Standard CAN4-S615-M83, "Standard for Reinforced Plastic Underground Tanks for Petroleum Products", First Edition, February, 1983.

UL Canada Standard CAN4-S631-M84, "Standard for Isolating Bushings for Steel Underground Tanks Protected with Coatings and Galvanic Systems", First Edition, May, 1984.

UL Canada Standard CAN4-S633-M84, "Flexible Underground Hose Connectors for Flammable and Combustible Liquids", First Edition, June, 1984.

UL Canada Subject C107C-M1984, "Guide for Glass Fibre Reinforced Plastic Pipe and Fittings for Flammable Liquids", First Edition, June, 1984.

b) CFR (Code of Federal Regulations). Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401, (202) 783-3238:

10 CFR 50, Appendix A (1987)

40 CFR 280.3 (1987) (repealed September 23, 1988)

40 CFR 302.4, 302.5 and 302.6 (1987)

c) This Section incorporates no later editions or amendments.

(Source: Added at 13 Ill. Reg. , effective)

Section 731.114 Implementing Agency

a) The implementing agency is the Illinois State Fire Marshal or the Illinois Environmental Protection Agency, as specified in this Part.

b) Generally the Agency is the implementing agency for corrective action

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beyond immediate response. The Fire Marshal is the implementing agency for all other aspects of the program.

(Source: Added at 13 Ill. Reg. , effective)

SUBPART B: UST SYSTEMS: DESIGN, CONSTRUCTION, INSTALLATION AND NOTIFICATION

Section 731.120 Performance standards for new UST Systems

In order to prevent releases due to structural failure, corrosion or spills and overfills for as long as the UST system is used to store regulated substances, owners and operators of new UST systems shall meet the following requirements.

- a) Tanks. Each tank must be properly designed and constructed, and any portion underground that routinely contains product must be protected from corrosion, in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory as specified below:

- 1) The tank is constructed of fiberglass-reinforced plastic; or

BOARD NOTE: The following industry codes, incorporated by reference in Section 731.113, may be used to comply with this subsection: UL 1316; UL Canada Standard CAN4-S615; or ASTM D4021.

- 2) The tank is constructed of steel and cathodically protected in the following manner:

- A) The tank is coated with a suitable dielectric material;
- B) Field-installed cathodic protection systems are designed by a corrosion expert;
- C) Impressed current systems are designed to allow determination of current operating status as required in Section 731.131(c);
- D) Cathodic protection systems are operated and maintained in accordance with Section 731.131; or

BOARD NOTE: The following codes and standards, incorporated by reference in Section 731.113, may be used to comply with this subsection: STI-P3; UL 1746; UL Canada Standard CAN4-S603, CAN4-S603.1 and CAN4-S631; NACE RP0285 or UL 58.

- 3) The tank is constructed of a steel-fiberglass-reinforced-plastic

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composite; or

BOARD NOTE: The following industry codes, incorporated by reference in Section 731.113, may be used to comply with this subsection: UL 1746 or ACT-100.

- 4) The tank is constructed of metal without additional corrosion protection measures provided that:

- A) The tank is installed at a site that is determined by a corrosion expert not to be corrosive enough to cause it to have a release due to corrosion during its operating life; and

- B) Owners and operators maintain records that demonstrate compliance with the requirements of subsection (a)(4)(A) for the remaining life of the tank.

- b) Piping. The piping that routinely contains regulated substances and is in contact with the ground must be properly designed, constructed and protected from corrosion in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory as specified below:

- 1) The piping is constructed of fiberglass-reinforcing plastic; or

BOARD NOTE: The following codes and standards, incorporated by reference in Section 731.113, may be used to comply with this subsection: UL 567; UL Canada Subject C107C; UL Canada Standard CAN4-S633.

- 2) The piping is constructed of steel and cathodically protected in the following manner:

- A) The piping is coated with a suitable dielectric material;
- B) Field-installed cathodic protection systems are designed by a corrosion expert;
- C) Impressed current systems are designed to allow determination of current operating status as required in Section 731.131(c).

- D) Cathodic protection systems are operated and maintained in accordance with Section 731.131; or

BOARD NOTE: The following codes and standards, incorporated by reference in Section 731.113, may be used to comply with this subsection: NFPA 30; API Recommended

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Practice 1615; API Recommended Practice 1632; NACE RP0169.

- 3) The piping is constructed of metal without additional corrosion protection measures provided that:

A) The piping is installed at a site that is determined by a corrosion expert to not be corrosive enough to cause it to have a release due to corrosion during its operating life; and

B) Owners and operators maintain records that demonstrate compliance with the requirements of subsection (b)(3)(A) for the remaining life of the piping; or

BOARD NOTE: NFPA 30 and NACE RP0169, incorporated by reference in Section 731.113, may be used to comply with this subsection.

- c) Spill and overflow prevention equipment.

1) Except as provided in subsection (c)(2), to prevent spilling and overflow associated with product transfer to the UST system, owners and operators shall use the following spill and overflow prevention equipment:

A) Spill prevention equipment that will prevent release of product to the environment when the transfer hose is detached from the fill pipe (for example, a spill catchment basin); and

B) Overflow prevention equipment that will:

i) Automatically shut off flow into the tank when the tank is no more than 95 percent full; or

ii) Alert the transfer operator when the tank is no more than 90 percent full by restricting the flow into the tank or triggering a high-level alarm.

2) Owners and operators are not required to use the spill and overflow prevention equipment specified in subsection (c)(1) if: The UST system is filled by transfers of no more than 25 gallons at one time.

d) Installation. All tanks and piping must be properly installed in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory and in accordance with the manufacturer's instructions.

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BOARD NOTE: Tank and piping system installation practices and procedures described in the following codes, incorporated by reference in Section 731.113, may be used to comply with the requirements this subsection: API Recommended Practice 1615; PEI/RP100; or ANSI B31.3 and B31.4.

e) Certification of installation. All owners and operators shall ensure that one or more of the following methods of certification, testing, or inspection is used to demonstrate compliance with subsection (d) by providing a certification of compliance on the UST notification form in accordance with Section 731.122.

1) The installer has been certified by the tank and piping manufacturers; or

2) The installer has been certified or licensed by the Fire Marshal; or

3) The installation has been inspected and certified by a registered professional engineer with education and experience in UST system installation; or

4) The installation has been inspected and approved by the Fire Marshal; or

5) All work listed in the manufacturer's installation checklists has been completed.

(Source: Added at 13 Ill. Reg. , effective)

Section 731.121 Upgrading of existing UST Systems

a) Alternatives allowed. Not later than December 22, 1998, all existing UST systems must comply with one of the following requirements:

1) New UST system performance standards under Section 731.120;

2) The upgrading requirements in subsections (b) through (d); or

3) Closure requirements under Subpart G, including applicable requirements for corrective action under Subpart F.

b) Tank upgrading requirements. Steel tanks must be upgraded to meet one of the following requirements in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory:

1) Interior lining. A tank may be upgraded by internal lining if:

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A) The lining is installed in accordance with the requirements of Section 731.133, and

B) Within 10 years after lining, and every 5 years thereafter, the lined tank is internally inspected and found to be structurally sound with the lining still performing in accordance with original design specifications.

2) Cathodic protection. A tank may be upgraded by cathodic protection if the cathodic protection system meets the requirements of Section 731.120(a)(2)(B), (C) and (D) and the integrity of the tank is ensured using one of the following methods:

A) The tank is internally inspected and assessed to ensure that the tank is structurally sound and free of corrosion holes prior to installing the cathodic protection system; or

B) The tank has been installed for less than 10 years and is monitored monthly for releases in accordance with Section 731.143(d) through (h); or

C) The tank has been installed for less than 10 years and is assessed for corrosion holes by conducting two (2) tightness tests that meet the requirements of Section 731.143(c). The first tightness test must be conducted prior to installing the cathodic protection system. The second tightness test must be conducted between three (3) and six (6) months following the first operation of the cathodic protection system.

3) Internal lining combined with cathodic protection. A tank may be upgraded by both internal lining and cathodic protection if:

A) The lining is installed in accordance with the requirements of Section 731.133; and

B) The cathodic protection system meets the requirements of Section 731.120(a)(2)(B), (C) and (D);

BOARD NOTE: The following codes and standards, incorporated by reference in Section 731.113, may be used to comply with this Section: API Recommended Practice 1631; NLP Standard 631; NACE RP0285 and, API Recommended Practice 1632.

c) Piping upgrading requirements. Metal piping that routinely contains regulated substances and is in contact with the ground must be

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cathodically protected in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory and must meet the requirements of Section 731.120(b)(2)(B), (C) and (D).

BOARD NOTE: The codes and standards listed in the note following Section 731.130(b)(2) may be used to comply with this requirement.

d) Spill and overflow prevention equipment. To prevent spilling and overflowing associated with product transfer to the UST system, all existing UST systems must comply with new UST system spill and overflow prevention equipment requirements specified in Section 731.120(c).

(Source: Added at 13 Ill. Reg. , effective)

Section 731.122 Notification Requirements

a) Any owner who brings an underground storage tank system into use after May 8, 1986, shall within 30 days of bringing such tank into use, submit, in the form prescribed in Appendix A, a notice of existence of such tank system to the Fire Marshal.

BOARD NOTE: Owners and operators of UST systems that were in the ground on or after May 8, 1986, unless taken out of operation on or before January 1, 1974, were required to notify the Fire Marshal in accordance with RCRA and 40 CFR 280.3 (1987), unless notice was given pursuant to 40 CFR 302.6, incorporated by reference in Section 731.113. Section 4(b)(1) of the Gasoline Act (11. Rev. Stat. 1987, ch. 127 1/2, par. 156(b)(1)) required notification by December 31, 1987, for tanks which held regulated substances after January 1, 1974. Owners and operators who have not complied with the notification requirements may use portions I through VI of the notification form contained in Appendix A.

c) Owners required to submit notices under subsection (a) shall provide notices to the Fire Marshal for each tank they own. Owners may provide notice for several tanks using one notification form, but owners who own tanks located at more than one place of operation shall file a separate notification form for each separate place of operation.

d) Notices required to be submitted under subsection (a) must provide all of the information in Sections I through VI of the form for each tank for which notice must be given. Notices for tanks installed after December 22, 1988, must also provide all of the information in Section VII of the prescribed form for each tank for which notice must be given.

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e) All owners and operators of new UST systems shall certify in the notification form compliance with the following requirements:

- 1) Installation of tanks and piping under Section 731.120(a);
- 2) Cathodic protection of steel tanks and piping under Section 731.120(a) and (b);
- 3) Financial responsibility under Subpart H; and
- 4) Release detection under Sections 731.141 and 731.142.

f) All owners and operators of new UST systems shall ensure that the installer certifies in the notification form that the methods used to install the tanks and piping complies with the requirements in Section 731.120(d).

g) Beginning October 24, 1988, any person who sells a tank intended to be used as an underground storage tank shall notify the purchaser of such tank of the owner's notification obligations under subsection (a). The form provided in Appendix C may be used to comply with this requirement.

(Source: Added at 13 Ill. Reg. , effective)

SUBPART C: GENERAL OPERATING REQUIREMENTS

Section 731.130 Spill and overfill Control

a) Owners and operators shall ensure that releases due to spilling or overfilling do not occur. The owner and operator shall ensure that the volume available in the tank is greater than the volume of product to be transferred to the tank before the transfer is made and that the transfer operation is monitored constantly to prevent overfilling and spilling.

BOARD NOTE: The transfer procedures described in NFPA 385, incorporated by reference in Section 731.113, may be used to comply with this subsection. Further guidance on spill and overfill prevention appears in API Recommended Practice 1621 and NFPA Standard 30.

b) The owner and operator shall report, investigate and clean up any spills and overfills in accordance with Section 731.153.

(Source: Added at 13 Ill. Reg. , effective)

Section 731.131 Operation and maintenance of corrosion Protection

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All owners and operators of steel UST systems with corrosion protection shall comply with the following requirements to ensure that releases due to corrosion are prevented for as long as the UST system is used to store regulated substances:

a) All corrosion protection systems must be operated and maintained to continuously provide corrosion protection to the metal components of that portion of the tank and piping that routinely contain regulated substances and are in contact with the ground.

b) All UST systems equipped with cathodic protection systems must be inspected for proper operation by a qualified cathodic protection tester in accordance with the following requirements:

- 1) Frequency. All cathodic protection systems must be tested within 6 months of installation and at least every 3 years thereafter; and
- 2) Inspection criteria. The criteria that are used to determine that cathodic protection is adequate as required by this Section must be in accordance with a code of practice developed by a nationally recognized association.

BOARD NOTE: NACE RP0285, incorporated by reference in Section 731.113, may be used to comply with subsection (b)(2).

c) UST systems with impressed current cathodic protection systems must also be inspected every 60 days to ensure the equipment is running properly.

d) For UST systems using cathodic protection, records of the operation of the cathodic protection must be maintained (in accordance with Section 731.134) to demonstrate compliance with the performance standards in this Section. These records must provide the following:

- 1) The results of the last three inspections required in subsection (c); and
- 2) The results of testing from the last two inspections required in subsection (b).

(Source: Added at 13 Ill. Reg. , effective)

Section 731.132 Compatibility

Owners and operators shall use an UST system made of or lined with materials that are compatible with the substance stored in the UST system.

BOARD NOTE: Owners and operators storing alcohol blends may use the following

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codes, incorporated by reference in Section 731.113, to comply with the requirements of this Section: API Recommended Practice 1626 and 1627.

(Source: Added at 13 Ill. Reg. , effective)

Section 731.133 Repairs Allowed

Section 731.134 Reporting and Recordkeeping

Owners and operators of UST systems shall ensure that repairs will prevent releases due to structural failure or corrosion as long as the UST system is used to store regulated substances. The repairs must meet the following requirements:

- a) Repairs to UST systems must be properly conducted in accordance with a code of practice developed by a nationally recognized association or an independent testing laboratory.

BOARD NOTE: The following codes and standards, incorporated by reference in Section 731.113, may be used to comply with this subsection: NFPA 30; API Publication 2200; API Recommended Practice 1631; and NLP A Standard 631.

- b) Repairs to fiberglass-reinforced plastic tanks may be made by the manufacturer's authorized representatives or in accordance with a code of practice developed by a nationally recognized association or an independent testing laboratory.
- c) Metal pipe sections and fittings that have released product as a result of corrosion or other damage must be replaced. Fiberglass pipes and fittings may be repaired in accordance with the manufacturer's specifications.
- d) Repaired tanks and piping must be tightness tested in accordance with Section 731.143(c) and Section 731.144(b) within 30 days following the date of the completion of the repair except as follows:
 - 1) The repaired tank is internally inspected in accordance with a code of practice developed by a nationally recognized association or an independent testing laboratory; or
 - 2) The repaired portion of the UST system is monitored monthly for releases in accordance with a method specified in Section 731.143(d) through (h).
- e) Within 6 months following the repair of any cathodically protected UST system, the cathodic protection system must be tested in accordance with Section 731.131(b) and (c) to ensure that it is operating properly.
- f) UST system owners and operators shall maintain records of each repair

for the remaining operating life of the UST system that demonstrate compliance with the requirements of this section.

(Source: Added at 13 Ill. Reg. , effective)

- a) Reporting. Owners and operators shall submit the following information to the Fire Marshal or Agency:
 - 1) Notification for all UST systems (Section 731.122), which includes certification of installation for new systems (Section 731.120(e));
 - 2) Reports of all releases including suspected releases (Section 731.150), spills and overfills (Section 731.153), and confirmed releases (Section 731.161);
 - 3) Corrective actions planned or taken including initial abatement measures (Section 731.162), initial site characterization (Section 731.163), free product removal (Section 731.164), investigation of soil and groundwater cleanup (Section 731.165), and corrective action plan (Section 731.166); and
 - 4) A notification before permanent closure or change-in-service (Section 731.171).
- b) Recordkeeping. Owners and operators shall maintain the following information:
 - 1) A corrosion expert's analysis of site corrosion potential if corrosion protection equipment is not used (Section 731.120(a)(4) and (b)(3)).
 - 2) Documentation of operation of corrosion protection equipment (Section 731.131);
 - 3) Documentation of UST system repairs (Section 731.133(f));
 - 4) Recent compliance with release detection requirements (Section 731.145); and
 - 5) Results of the site investigation conducted at permanent closure

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(Section 731.174).

- c) Availability and Maintenance of Records. Owners and operators shall keep the records required either:

- 1) At the UST site and immediately available for inspection by the Fire Marshal or Agency; or
- 2) At a readily available alternative site and be provided for inspection to the Fire Marshal or Agency upon request.

BOARD NOTE: In the case of permanent closure records required under Section 731.174, owners and operators are also provided with the additional alternative of mailing closure records to the Fire Marshal if they cannot be kept at the site or an alternative site as indicated above.

(Source: Added at 13 Ill. Reg. , effective)

SUBPART D: RELEASE DETECTION

Section 731.140 General requirements for all UST Systems

- a) Owners and operators of new and existing UST systems shall provide a method, or combination of methods, of release detection that:

- 1) Can detect a release from any portion of the tank and the connected underground piping that routinely contains product;
- 2) Is installed, calibrated, operated and maintained in accordance with the manufacturer's instructions, including routine maintenance and service checks for operability or running condition; and
- 3) Meets the performance requirements in Sections 731.143 or 731.144, with any performance claims and their manner of determination described in writing by the equipment manufacturer or installer. In addition, methods used after December 22, 1990, except for methods permanently installed prior to that date, must be capable of detecting the leak rate or quantity specified for that method in Section 731.143(b), (c) and (d) or Section 731.144(a) and (b), with a probability of detection of 0.95 and a probability of false alarm of 0.05.

- b) When a release detection method operated in accordance with the performance standards in Section 731.143 and 731.144 indicates a release may have occurred, owners and operators shall notify ESDA in accordance with Subpart E.

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- c) Owners and operators of UST systems shall comply with the release detection requirements of this Subpart in accordance with the following schedule:

- 1) For all pressurized piping in accordance with Section 731.141(b)(1) and 731.142(b)(4), by December 22, 1990.
- 2) For tanks and suction piping in accordance with Section 731.141(a), 731.141(b)(2) and 731.142 for tanks:
 - A) With an unknown installation date, by December 22, 1989.
 - B) Installed before 1965, by December 22, 1989.
 - C) Installed in 1965 through 1969, by December 22, 1990.
 - D) Installed in 1970 through 1974, by December 22, 1991.
 - E) Installed in 1975 through 1979, by December 22, 1992.
 - F) Installed in 1980 through December 22, 1988, by December 22, 1993.
 - G) Installed after December 22, 1988, immediately upon installation.

- d) Any existing UST system that cannot apply a method of release detection that complies with the requirements of this Subpart must complete the closure procedures in Subpart 6 by the date on which release detection is required for that UST system under subsection (c).

(Source: Added at 13 Ill. Reg. , effective)

Section 731.141 Petroleum UST Systems

Owners and operators of petroleum UST systems shall provide release detection for tanks and piping as follow:

- a) Tanks. Tank must be monitored at least every 30 days for releases using one of the methods listed in Section 731.143(d) through (h) except that:

- 1) UST systems that meet the performance standards in Section 731.120 or Section 731.121, and the monthly inventory control requirements in Section 731.143(a) or (b), may use tank tightness testing (conducted in accordance with Section 731.143(c) at least every 5 years until December 22, 1998 or until 10 years after the tank is installed or upgraded under

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Section 731.121(b), whichever is later.

- 2) UST systems that do not meet the performance standards in Section 731.120 or 731.121, may use monthly inventory controls (conducted in accordance with Section 731.143(a) or (b)) and annual tank tightness testing (conducted in accordance with Section 731.143(c)) until December 22, 1998, when the tank must be upgraded under Section 731.121 or permanently closed under Section 731.171; and
- 3) Tanks with capacity of 550 gallons or less may use weekly tank gauging (conducted in accordance with Section 731.143(b)).
- b) Piping. Underground piping that routinely contains regulated substances must be monitored for releases in a manner than meets one of the following requirements:

- 1) Pressurized piping. Underground piping that conveys regulated substances under pressure must:
- A) Be equipped with an automatic line leak detector conducted in accordance with Section 731.144(a); and
- B) Have an annual line tightness test conducted in accordance with Section 731.144(b) or have monthly monitoring conducted in accordance with Section 731.144(c).
- 2) Suction piping. Underground piping that conveys regulated substances under suction must either have a line tightness test conducted at least every 3 years and in accordance with Section 731.144(b), or use a monthly monitoring method conducted in accordance with Section 731.144(c). No release detection is required for suction piping that is designed and constructed to meet the following standards:
- A) The below-grade piping operates at less than atmospheric pressure;
- B) The below-grade piping is sloped so that the contents of the pipe will drain back into the storage tank if the suction is released;
- C) Only one check valve is included in each suction line;
- D) The check valve is located directly below and as close as practical to the suction pump; and
- E) A method is provided that allows compliance with subsections (b)(2)(B) through (b)(2)(D) to be readily

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determined.

(Source: Added at 13 Ill. Reg. , effective)
Section 731.142 Hazardous Substance UST Systems
Owners and operators of hazardous substance UST systems shall provide release detection that meets the following requirements:

- a) Release detection at existing UST systems must meet the requirements for petroleum UST systems in Section 731.141. By December 22, 1998, all existing hazardous substance UST systems must meet the release detection requirements for new systems in subsection (b).
- b) Release detection at new hazardous substance UST systems must meet the following requirements:

- 1) Secondary containment systems must be designed, constructed and installed to:
- A) Contain regulated substances released from the tank system until they are detected and removed;
- B) Prevent the release of regulated substances to the environment at any time during the operational life of the UST system; and
- C) Be checked for evidence of a release at least every 30 days.
- BOARD NOTE: 35 Ill. Adm. Code 725.293 may be used to comply with these requirements.
- 2) Double-walled tanks must be designed, constructed and installed to:
- A) Contain a release from any portion of the inner tank within the outer wall; and
- B) Detect the failure of the inner wall.
- 3) External liners (including vaults) must be designed, constructed and installed to:
- A) Contain 100 percent of the capacity of the largest tank within its boundary;
- B) Prevent the interference of precipitation of groundwater intrusion with the ability to contain or detect a release

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of regulated substances; and

- c) Surround the tank completely (i.e., it is capable of preventing lateral as well as vertical migration of regulated substances).

- 4) Underground piping must be equipped with secondary containment that satisfies the requirements of subsection (b)(1) (e.g., trench liners, jacketing of double-walled pipe). In addition, underground piping that conveys regulated substances under pressure must be equipped with an automatic line leak detector in accordance with Section 731.144(a).

(Source: Added at 13 Ill. Reg. , effective)

Section 731.143 Tanks

Each method of release detection for tanks used to meet the requirements of Section 731.141 must be conducted in accordance with the following:

- a) Inventory control. Product inventory control (or another test of equivalent performance) must be conducted monthly to detect a release of at least 1.0 percent of flow-through plus 130 gallons on a monthly basis in the following manner:

- 1) Inventory volume measurements for regulated substance inputs, withdrawals and the amount still remaining in the tank are recorded each operating day;
- 2) The equipment used is capable of measuring the level of product over the full range of the tank's height to the nearest one-eighth of an inch;
- 3) The regulated substance inputs are reconciled with delivery receipts by measurement of the tank inventory volume before and after delivery;
- 4) Deliveries are made through a drop tube that extends to within one foot of the tank bottom;
- 5) Product dispensing is metered and recorded within an accuracy of 6 cubic inches for every 5 gallons of product withdrawn; and

BOARD NOTE: Metering of petroleum products is regulated by the Illinois Department of Agriculture pursuant to Ill. Rev. Stat. 1987, ch. 147, par. 143 and 8 Ill. Adm. Code 600.120 and 600.650 et seq. In that these regulations do not specify the accuracy of metering, owners or operators need to obtain an independent certification of meter accuracy prior to using this Section.

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- 6) The measurement of any water level in the bottom of the tank is made to the nearest one-eighth of an inch at least once a month.
- BOARD NOTE: Practices described in the API Recommended Practice 1621, incorporated by reference in Section 731.113, may be used, where applicable, as guidance in meeting the requirements of this subsection.

- b) Manual tank gauging. Manual tank gauging must meet the following requirements:

- 1) Tank liquid level measurements are taken at the beginning and ending of a period of at least 36 hours during which no liquid is added to or removed from the tank;
- 2) Level measurements are based on an average of two consecutive stick readings at both the beginning and ending of the period;
- 3) The equipment used is capable of measuring the level of product over the full range of the tank's height to the nearest one-eighth of an inch;
- 4) A leak is suspected and subject to the requirements of Subpart E if the variation between beginning and ending measurements exceeds the weekly or monthly standards in the following table:

Nominal Tank Capacity (Gallons)	Weekly Standard (One Test) (Gallons)	Monthly Standard (Average of Four Tests) (Gallons)
550 or less	10	5
551 to 1000	13	7
1001 to 2000	26	13

- 5) Only tanks of 550 gallons or less nominal capacity may use this as the sole method of release detection. Tanks of 551 to 2,000 gallons may use the method in place of manual inventory control in Section 731.143(a). Tanks of greater than 2,000 gallons nominal capacity must not use this method to meet the requirements of this Subpart.

- c) Tank tightness testing. Tank tightness testing (or another test of equivalent performance) must be capable of detecting a 0.1 gallon per hour leak rate from any portion of the tank that routinely contains product while accounting for the effects of thermal expansion or contraction of the product, vapor pockets, tank deformation, evaporation or condensation and the location of the water table.

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d) Automatic tank gauging. Equipment for automatic tank gauging that tests for the loss of product and conducts inventory control must meet the following requirements:

- 1) The automatic product level monitor test can detect a 0.2 gallon per hour leak from any portion of the tank that routinely contains product; and
- 2) Inventory control (or another test of equivalent performance) is conducted in accordance with the requirements of Section 731.143(a).

e) Vapor monitoring. Testing or monitoring for vapors within the soil gas of the excavation zone must meet the following requirements:

- 1) The materials used as backfill are sufficiently porous (e.g., gravel, sand, crushed rock) to readily allow diffusion of vapors from releases into the excavation area;
- 2) The stored regulated substance, or a tracer compound placed in the tank system, is sufficiently volatile (e.g., gasoline) to result in a vapor level that is detectable by the monitoring devices located in the excavation zone in the event of a release from the tank;
- 3) The measurement of vapors by the monitoring device is not rendered inoperative by the groundwater, rainfall or soil moisture or other known interferences so that a release could go undetected for more than 30 days;
- 4) The level of background contamination in the excavation zone will not interfere with the method used to detect releases from the tank;
- 5) The vapor monitors are designed and operated to detect any significant increase in concentration above background of the regulated substance stored in the tank system, a component or components of that substance, or a tracer compound placed in the tank system;
- 6) In the UST excavation zone, the site is assessed to ensure compliance with subsection (e)(1) through (e)(4) and to establish the number and positioning of monitoring wells that will detect releases within the excavation zone from any portion of the tank that routinely contains product; and
- 7) Monitoring wells are clearly marked and secured to avoid unauthorized access and tampering.

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f) Groundwater monitoring. Testing or monitoring for liquids on the groundwater must meet the following requirements:

- 1) The regulated substance stored is immiscible in water and has a specific gravity of less than one;
 - 2) Groundwater is never more than 20 feet from the ground surface and the hydraulic conductivity of the soils between the UST system and the monitoring wells or devices is not less than 0.01 cm/sec. (e.g., the soil must consist of gravels, coarse to medium sands, coarse silts or other permeable materials);
 - 3) The slotted portion of the monitoring well casing must be designed to prevent migration of natural soils or filter pack into the well and to allow entry of regulated substance on the water table into the well under both high and low groundwater conditions;
 - 4) Monitoring wells must be sealed from the ground surface to the top of the filter pack;
 - 5) Monitoring wells or devices intercept the excavation zone or are as close to it as is technically feasible;
 - 6) The continuous monitoring devices or manual methods used can detect the presence of at least one-eighth of an inch of free product on top of the groundwater in the monitoring wells;
 - 7) Within and immediately below the UST system excavation zone, the site is assessed to ensure compliance with the requirements in subsection (f)(1) through (f)(5) and to establish the number and positioning of monitoring wells or devices that will detect releases from any portion of the tank that routinely contains product; and
 - 8) Monitoring wells are clearly marked and secured to avoid unauthorized access and tampering.
- g) Interstitial monitoring. Interstitial monitoring between the UST system and a secondary barrier immediately around or beneath it may be used, but only if the system is designed, constructed and installed to detect a leak from any portion of the tank that routinely contains product and also meets one of the following requirements:
- 1) For double-walled UST systems, the sampling or testing method can detect a release through the inner wall in any portion of the tank that routinely contains product;

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BOARD NOTE: The provisions outlined in STI, "Standard for Dual Wall Underground Storage Tank", incorporated by reference in Section 731.113, may be used as guidance for aspects of the design and construction of underground steel double-walled tanks.

2) For UST systems with a secondary barrier within the excavation zone, the sampling or testing method used can detect a release between the UST system and the secondary barrier:

A) The secondary barrier around or beneath the UST system consists of artificially constructed material that is sufficiently thick and impermeable (at most 0.000001 cm/sec for the regulated substance stored) to direct a release to the monitoring point and permit its detection;

B) The barrier is compatible with the regulated substance stored so that a release from the UST system will not cause a deterioration of the barrier allowing a release to pass through undetected;

C) For cathodically protected tanks, the secondary barrier must be installed so that it does not interfere with the proper operation of the cathodic protection system;

D) The groundwater, soil moisture or rainfall will not render the testing or sampling method used inoperative so that a release could go undetected for more than 30 days;

E) The site is assessed to ensure that the secondary barrier is always above the groundwater and not in a 25-year flood plain, unless the barrier and monitoring designs are for use under such conditions; and,

F) Monitoring wells are clearly marked and secured to avoid unauthorized access and tampering.

3) For tanks with an internally fitted liner, an automated device can detect a release between the inner wall of the tank and the liner, and the liner is compatible with the substance stored.

h) Other methods. Any other type of release detection method, or combination of methods, can be used if:

A) It can detect a 0.2 gallon per hour leak rate or a release of 150 gallons within a month with a probability of detection of 0.95 and a probability of false alarm of 0.05; or

B) The Fire Marshal shall approve by permit condition another

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method if the owner and operator demonstrates that the method can detect a release as effectively as any of the methods allowed in subsection (c) through (h). In comparing methods, the Fire Marshal shall consider the size of release that the method can detect and the frequency and reliability with which it can be detected. If the method is approved, the owner and operator shall comply with any conditions imposed by the Fire Marshal on its use to ensure the protection of human health and the environment.

(Source: Added at 13 Ill. Reg. , effective)

Section 731.144 Piping

Each method of release detection for piping used to meet the requirements of Section 731.141 must be conducted in accordance with the following:

a) Automatic line leak detectors. A method which alerts the operator to the presence of a leak by restricting or shutting off the flow of regulated substances through piping or triggering an audible or visual alarm may be used only if it detects leaks of 3 gallons per hour at 10 pounds per square inch line pressure within 1 hour. An annual test of the operation of the leak detector must be conducted in accordance with the manufacturer's requirements.

b) Line tightness testing. A periodic test of piping may be conducted only if it can detect a 0.1 gallon per hour leak rate at one and one-half times the operating pressure.

c) Applicable tank methods. Any of the methods in Section 731.143(e) through (h) may be used if they are designed to detect a release from any portion of the underground piping that routinely contains regulated substances.

(Source: Added at 13 Ill. Reg. , effective)

Section 731.145 Recordkeeping

All UST system owners and operators shall maintain records in accordance with Section 731.134 demonstrating compliance with all applicable requirements of this Subpart. These records must include the following:

a) All written performance claims pertaining to any release detection system used, and the manner in which these claims have been justified or tested by the equipment manufacturer or installer, must be maintained for 5 years;

b) The results of any sampling, testing or monitoring must be maintained for at least 1 year, except that the results of tank tightness

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testing conducted in accordance with Section 731.143(c) must be retained until the next test is conducted; and

- c) Written documentation of all calibration, maintenance and repair of release detection equipment permanently located on-site must be maintained for at least one year after the servicing work is completed. Any schedules of required calibration and maintenance provided by the releases detection equipment manufacturer must be retained for 5 years from the date of installation.

(Source: Added at 13 Ill. Reg. , effective)

SUBPART E: RELEASE REPORTING, INVESTIGATION AND CONFIRMATION

Section 731.150 Reporting of suspected Releases

Owners and operators of UST systems shall report to the ESDA within 24 hours and follow the procedures in Section 731.152 for any of the following conditions:

- a) The discovery by owners and operators or others of released regulated substances at the UST site or in the surrounding area (such as the presence of free product or vapors in soils, basements, sewer and utility lines or nearby surface water).
- b) Usual operating conditions observed by owners and operators (such as the erratic behavior of product dispensing equipment, the sudden loss of product from the UST system or an unexplained presence of water in the tank), unless system equipment is found to be defective but not leaking, and is immediately repaired or replaced; and,

- c) Monitoring results from a release detection method required under Section 731.141 and Section 731.142 that indicate a release may have occurred unless:

- 1) The monitoring device is found to be defective, and is immediately repaired, recalibrated or replaced, and additional monitoring does not confirm the initial result; or
- 2) In the case of inventory control, a second month of data does not confirm the initial result.

(Source: Added at 13 Ill. Reg. , effective)

Section 731.151 Investigation due to off-site Impacts

When required by the Fire Marshal, owners and operators of UST systems shall follow the procedures in Section 731.152 to determine if the UST system is the source of off-site impacts. These impacts include the discovery of regulated

substances (such as the presence of free product or vapors in soils, basements, sewer and utility lines or nearby surface and drinking waters) that has been observed by the Fire Marshal or brought to its attention by another person. The Fire Marshal shall require such an investigation by way of a letter or an oral order followed by a written confirmation.

(Source: Added at 13 Ill. Reg. , effective)

Section 731.152 Release Investigation and Confirmation

Unless corrective action is initiated in accordance with Subpart F, owners and operators shall immediately investigate and confirm all suspected releases of regulated substances requiring reporting under Section 731.151 within 7 days, using the following steps:

- a) System test. Owners and operators shall conduct tests (according to the requirements for tightness testing in Section 731.143(c) and Section 731.144(b)) that determine whether a leak exists in that portion of the tank that routinely contains product, or the attached delivery piping, or both.
 - 1) Owners and operators shall repair, replace or upgrade the UST system, and begin corrective action in accordance with Subpart F if the test results for the system, tank or delivery piping indicate that a leak exists.
 - 2) Further investigation is not required if the test results for the system, tank and delivery piping do not indicate that a leak exists and if environmental contamination is not the basis for suspecting a release.
 - 3) Owners and operators shall conduct a site check as described in subsection (b) if the test results for the system, tank and delivery piping do not indicate that a leak exists but environmental contamination is the basis for suspecting a release.
- b) Site check. Owners and operators shall measure for the presence of a release where contamination is most likely to be present at the UST site. In selecting sample types, sample locations and measurement methods, owners and operators shall consider the nature of the stored substance, the type of initial alarm or cause for suspicion, the type of backfill, the depth of groundwater and other factors appropriate for identifying the presence and source of the release.
 - 1) If the test results for the excavation zone or the UST site indicate that a release has occurred, owners and operators shall begin corrective action in accordance with Subpart F.

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- 2) If the test results for the excavation zone or the UST site do not indicate that a release has occurred, further investigation is not required.

(Source: Added at 13 Ill. Reg. , effective)

Section 731.153 Reporting and cleanup of spills and overfills

- a) Owners and operators of UST systems shall contain and immediately clean up a spill or overflow and report to the Fire Marshal, and begin corrective action in accordance with Subpart F in the following cases:

- 1) Spill or overflow of petroleum that results in a release to the environment that exceeds 25 gallons, or that causes a sheen on nearby surface water; and
- 2) Spill or overflow of a hazardous substance that results in a release to the environment that equals or exceeds its reportable quantity under 40 CFR 302.4 and 302.5, incorporated by reference in Section 731.113.

- b) Owners and operators of UST systems shall contain and immediately clean up a spill or overflow of petroleum that is less than 25 gallons, and a spill or overflow of a hazardous substance that is less than the reportable quantity. If cleanup cannot be accomplished within 24 hours, owners and operators shall immediately notify ESDA.

BOARD NOTE: Under 40 CFR 302.6, incorporated by reference in Section 731.113, a release of a hazardous substance equal to or in excess of its reportable quantity must also be reported immediately (rather than within 24 hours) to the National Response Center (800/424-8800). In addition, 35 Ill. Adm. Code 750.410 requires notification of the ESDA (800/782-7860).

(Source: Added at 13 Ill. Reg. , effective)

SUBPART F: RELEASE RESPONSE AND CORRECTIVE ACTION

Section 731.160 General

Owners and operators of petroleum or hazardous substance UST systems must, in response to a confirmed release from the UST system, comply with the requirements of this Subpart except for USTs excluded under Section 731.110(b) and UST systems subject to RCRA corrective action requirements under 35 Ill. Adm. Code 724.200 or 725-Subpart G.

(Source: Added at 13 Ill. Reg. , effective)

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Section 731.161 Initial Response

Upon confirmation of a release in accordance with Section 731.152 or after a release from the UST system is identified in any other manner, owners and operators shall perform the following initial response actions within 24 hours of a release:

- a) Report the release to the ESDA (e.g., by telephone or electronic mail);
- b) Take immediate action to prevent any further release of the regulated substance into the environment; and
- c) Identify and mitigate fire, explosion and vapor hazards.

(Source: Added at 13 Ill. Reg. , effective)

Section 731.162 Initial abatement measures and site Check

- a) Owners and operators shall perform the following abatement measures:

- 1) Remove as much of the regulated substance from the UST system as is necessary to prevent further release to the environment;
- 2) Visually inspect any aboveground releases or exposed below-ground releases and prevent further migration of the released substance into surrounding soils and groundwater;
- 3) Continue to monitor and mitigate any additional fire and safety hazards posed by vapors or free product that have migrated from the UST excavation zone and entered into substance structures (such as sewers or basements);
- 4) Remedy hazards posed by contaminated soils that are excavated or exposed as a result of release confirmation, site investigation, abatement or corrective action activities. If these remedies include treatment or disposal of soils, the owner and operator shall comply with 35 Ill. Adm. Code 722, 724, 725, 807 and 809.
- 5) Measure for the presence of a release where contamination is most likely to be present at the UST site, unless the presence and source of the release have been confirmed in accordance with the site check required by Section 731.152(b) or the closure site assessment of Section 731.172(a). In selecting sample types, sample locations and measurement methods, the owner and operator shall consider the nature of the stored substance, the type of backfill, depth to groundwater and other factors as appropriate for identifying the presence and source of the release; and

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6) Investigate to determine the possible presence of free product, and begin free product removal as soon as practicable and in accordance with Section 731.164.

b) Within 20 days after release confirmation, owners and operators shall submit a report to the Agency, summarizing the initial abatement steps taken under subsection (a) and any resulting information or data.

(Source: Added at 13 Ill. Reg. , effective)

Section 731.163 Initial site Characterization

a) Owners and operators shall assemble information about the site and the nature of the release, including information gained while confirming the release or completing the initial abatement measures in Section 731.160 and Section 731.161. This information must include, but is not necessarily limited to the following:

- 1) Data on the nature and estimated quantity of release;
- 2) Data from available sources or site investigations concerning the following factors: surrounding populations, water quality, use and approximate locations of wells potentially affected by the release, subsurface soil conditions, locations of subsurface sewers, climatological conditions and land use;
- 3) Results of the site check required under Section 731.162(a)(5); and
- 4) Results of the free product investigations required under Section 731.162(a)(6), to be used by owners and operators to determine whether free product must be recovered under Section 731.164.
- b) Within 45 days after the release, owners and operators shall submit the information collected in compliance with subsection (a) to the Agency, in a manner that demonstrates its applicability and technical adequacy.

(Source: Added at 13 Ill. Reg. , effective)

Section 731.164 Free product Removal

At sites where investigations under Section 731.162(a)(6) indicate the presence of free product, owners and operators shall remove free product to the maximum extent practicable, while continuing, as necessary, any actions initiated under Section 731.161 through Section 731.163, or preparing for

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actions required under Section 731.165 through Section 731.166. In meeting the requirements of this Section, owners and operators must:

- a) Conduct free product removal in a manner that minimizes the spread of contamination into previously uncontaminated zones by using recovery and disposal techniques appropriate to the hydrogeologic conditions at the site, and that properly treats, discharges or disposes of recovery byproducts in compliance with applicable local, state and federal regulations;
- b) Use abatement of free product migration as a minimum objective for the design of the free product removal system;
- c) Handle any flammable products in a safe and competent manner to prevent fires or explosions; and
- d) Prepare and submit to the Agency, within 45 days after confirming a release, a free product removal report that provides at least the following information:

- 1) The name of the persons responsible for implementing the free product removal measures;
- 2) The estimated quantity, type and thickness of free product observed or measured in wells, boreholes and excavation;
- 3) The type of free product recovery system used;
- 4) Whether any discharge will take place on-site or off-site during the recovery operation and where this discharge will be located;
- 5) The type of treatment applied to, and the effluent quality expected from, any discharge;
- 6) The steps that have been or are being taken to obtain necessary permits for any discharge; and
- 7) The disposition of the recovered free product.

(Source: Added at 13 Ill. Reg. , effective)

Section 731.165 Investigations for soil and groundwater Cleanup

a) In order to determine the full extent and location of soils contaminated by the release, and the presence and concentrations of dissolved product contamination in the groundwater, owners and operators shall conduct investigations of the release, the release site, and the surrounding area possibly affected by the release if any of the following conditions exist:

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- 1) There is evidence that groundwater wells have been affected by the release (e.g., as found during release confirmation or previous corrective action measures);
 - 2) Free product is found to need recovery in compliance with Section 731.164;
 - 3) There is evidence that contaminated soils may be in contact with groundwater (e.g., as found during conduct of the initial response measures or investigations required under Section 731.160 through Section 731.164); and
 - 4) The Agency requests an investigation, based on the potential effects of contaminated soil or groundwater on nearby surface water and groundwater resources.
- b) Owners and operators shall submit the information collected under subsection (a) as soon as practicable or in accordance with a schedule established by the Agency.

(Source: Added at 13 Ill. Reg. , effective)

Section 731.166 Corrective action Plan

- a) At any point after reviewing the information submitted in compliance with Section 731.161 through Section 731.163, the Agency may require owners and operators to submit additional information or to develop and submit a corrective action plan for responding to contaminated soils and groundwater. If a plan is required, owners and operators shall submit the plan according to a schedule and format established by the Agency. Alternatively, owners and operators may, after fulfilling the requirements of Section 731.161 through Section 731.163, choose to submit a corrective action plan for responding to contaminated soil and groundwater.

- b) The Agency shall approve the corrective action plan only after ensuring that implementation of the plan will adequately protect human health, safety and the environment. In making this determination, the Agency shall consider the following factors as appropriate:

- 1) The physical and chemical characteristics of the regulated substance, including its toxicity, persistence and potential for migration;
- 2) The hydrogeologic characteristics of the facility and the surrounding area;

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- 3) The proximity quality and current and future uses of nearby surface water and groundwater;
 - 4) The potential effects of residual contamination on nearby surface water and groundwater;
 - 5) An exposure assessment; and
 - 6) Any information assembled in compliance with this Subpart.
- c) Upon approval of the corrective action plan or as directed by the Agency, owners and operators shall implement the plan, including modifications to the plan made by the Agency. They shall monitor, evaluate and report the results of implementing the plan in accordance with a schedule and in a format established by the Agency.
- d) Owners and operators may, in the interest of minimizing environmental contamination and promoting more effective cleanup, begin cleanup of soil and groundwater before the corrective action plan is approved provided that they:

- 1) Notify the Agency of their intention to being cleanup;
- 2) Comply with any conditions imposed by the Agency, including halting cleanup or mitigating adverse consequences from cleanup activities; and
- 3) Incorporate these self-initiated cleanup measures in the corrective action plan that is submitted to the Agency.

(Source: Added at 13 Ill. Reg. , effective)

Section 731.167 Public Participation

- a) For each confirmed release that requires a corrective action plan, the Agency shall provide notice to the public by means designed to reach those members of the public directly affected by the release and the planned corrective action. This notice must include, but is not limited to, public notice in local newspapers, block advertisements, public service announcements, publication in the Illinois Register, letters to individual household or personal contacts by field staff.
- b) The Agency shall ensure that site release information and decisions concerning the corrective action plan are made available to the public for inspection upon request.
- c) Before approving a corrective action plan, the Agency shall hold a public meeting to consider comments on the proposed corrective action

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plan if there is sufficient public interest, or for any other reasons.

- d) The Agency shall give public notice that complies with subsection (a) if implementation of an approved corrective action plan does not achieve the established cleanup levels in the plan and termination of that plan is under consideration by the Agency.

(Source: Added at 13 Ill. Reg. , effective)

SUBPART G: OUT-OF-SERVICE SYSTEMS AND CLOSURE

Section 731.170 Temporary Closure

- a) When an UST system is temporarily closed, owners and operators shall continue operation and maintenance of corrosion protection in accordance with Section 731.131, and any release detection in accordance with Subpart D. Subparts E and F must be complied with if a release is suspected or confirmed. However, release detection is not required as long as the UST system is empty. The UST system is empty when all materials have been removed using commonly employed practices so that no more than 2.5 centimeters (one inch) of residue, or 0.3 percent by weight of the total capacity of the UST system, remain in the system.

- b) When an UST system is temporarily closed for 3 months or more, owners and operators shall also comply with the following requirements:

- 1) Leave vent lines open and functioning; and
- 2) Cap and secure all other lines, pumps, manways and ancillary equipment.

- c) When an UST system is temporarily closed for more than 12 months, owners and operators shall permanently close the UST system if it does not meet either performance standards in Section 731.120 for new UST systems or the upgrading requirements in Section 731.121, except that the spill and overflow equipment requirements do not have to be met. Owners and operators shall permanently close the substandard UST systems at the end of this 12-month period in accordance with Section 731.171 through Section 731.174.

(Source: Added at 13 Ill. Reg. , effective)

Section 731.171 Permanent closure and Changes-in-service

- a) At least 30 days before beginning either permanent closure or a change-in-service under subsections (b) or (c), owners and operators shall notify the Fire Marshal of their intent to permanently close or

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make the change-in-service, unless such action is in response to corrective action. The required assessment of the excavation zone under Section 731.172 must be performed after notifying the Fire Marshal but before completion of the permanent closure or a change-in-service.

- b) To permanently close a tank, owners and operators shall empty and clean it by removing all liquids and accumulated sludges. All tanks taken out of service permanently must also be either removed from the ground or filled it with an inert solid material.

- c) Continued use of an UST system to store a non-regulated substance is considered a change-in-service. Before a change-in-service, owners and operators shall empty and clean the tank by removing all liquid and accumulated sludge and conduct a site assessment in accordance with Section 731.172.

BOARD NOTE: The following cleaning and closure procedures, incorporated by reference in Section 731.113, may be used to comply with this Section: API Recommended Practice 1604; API Publication 2015; API Recommended Practice 1631. NIOSH Publication No. 80-106 may be used as guidance for conducting safe closure procedures at some hazardous substance tanks.

(Source: Added at 13 Ill. Reg. , effective)

Section 731.172 Assessing site at closure or Change-in-service

- a) Before permanent closure or a change-in-service is completed, owners and operators shall measure for the presence of a release where contamination is most likely to be present at the UST site. In selecting sample types, sample locations and measurement methods, owners and operators shall consider the method of closure, the nature of the stored substance, the type of backfill, the depth to groundwater and other factors appropriate for identifying the presence of a release. The requirements of this Section are satisfied if one of the external release detection methods allowed in Section 731.143(e) and (f) is operating in accordance with the requirements in Section 731.143 at the time of closure, and indicates no release has occurred.

- b) If contaminated soils, contaminated groundwater or free product as a liquid or vapor is discovered under subsection (a), or by any other manner, owners and operators shall begin corrective action in accordance with Subpart F.

(Source: Added at 13 Ill. Reg. , effective)

Section 731.173 Previously closed UST Systems

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When directed by the Fire Marshal, the owner and operator of an UST system permanently closed before December 22, 1988, shall assess the excavation zone and close the UST system in accordance with this Subpart if releases from the UST may, in the judgment of the Fire Marshal, pose a current or potential threat to human health or the environment.

(Source: Added at 13 Ill. Reg. , effective)

Section 731.174 Closure Records

Owners and operators shall maintain records in accordance with Section 731.131 that are capable of demonstrating compliance with closure requirements under this Subpart. The results of the excavation zone assessment required in Section 731.172 must be maintained for at least 3 years after completion of permanent closure or change-in-service in one of the following ways:

- a) By the owners and operators who took the UST system out of service;
- b) By the current owners and operators of the UST system site; or
- c) By mailing these records to the Fire Marshal if they cannot be maintained at the closed facility.

(Source: Added at 13 Ill. Reg. , effective)

Section 731.900 Incorporation by reference (Repealed)

- a) The Board incorporates the following material by reference: "Field Method of Soil Resistivity Using the Wenner Four-Electrode Method", ASTM G57-78 (Reapproved 1984), available from the American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103, 215/299-5488.

- b) This incorporation includes no future revisions or editions.

(Source: Repealed at 13 Ill. Reg. , effective)

Section 731.901 Compliance Date (Repealed)

Compliance with this Part shall be required after the day on which the United States Environmental Protection Agency authorizes the State of Illinois to administer the underground storage tank program pursuant to the Resource Conservation and Recovery Act.

(Source: Repealed at 13 Ill. Reg. , effective)

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- 1) The Heading of the Part: REFUGEE/ENTRANT/REPATRIATE PROGRAM

- 2) Code Citation: 89 Ill. Adm. Code 115

- 3) Section Numbers: Proposed Action:

115.10

Amendment

115.30

Amendment

- 4) Statutory Authority: Sections 12-4.5, 12-4.6 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 12-4.5, 12-4.6 and 12-13.

- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking brings the Department's administrative rules on the Refugee Resettlement Program and the Cuban/Haitian Entrant Program into conformity with changes in federal regulations. Specifically, it (1) reduces the period of eligibility for refugee cash assistance and refugee medical assistance from 18 to 12 months after entry into the United States; and (2) makes refugee related General Assistance apply to eligible refugees who have lived in the United States more than 12 months (rather than 18) but less than 24 months (rather than 36). Additionally, the amount of the Medical-only Standard for a household of one referred to in the Department rule is changed to conform with requirements of federal regulations.

- 6) Will this proposed rule replace an emergency amendment currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? Yes ☐ No ☒

- 8) Does this proposed amendment contain incorporations by reference? No

- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments

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concerning the proposed rulemaking. All comments must be in writing and should be addressed to Anita Williams, Staff Attorney, Office of the General Counsel, Illinois Department of Public Aid, Jessie B. Harris Building II, 100 South Grand Avenue East, 3rd Floor, Springfield, Illinois 62763, (217) 782-1233. The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

- 12) Initial Regulatory Flexibility Analysis: This rulemaking has no effect on small businesses.

The full text of the Proposed Amendments begin on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 115

REFUGEE/ENTRANT/REPATRIATE PROGRAM

Section

- 115.10 General Provisions
115.20 The Cuban Phasedown Program
115.30 The Refugee Resettlement Program
115.32 Refugee Resettlement Program: Application for Assistance
115.33 Refugee Resettlement Program: Furnishing of Social Security Numbers (SSN)
115.34 Refugee Resettlement Program: Work Registration/Participation Requirements
115.36 Refugee Resettlement Program: Individuals Exempt From Mandatory Work Registration/Participation Requirements
115.37 Refugee Resettlement Program: Counseling (Repealed)
115.38 Refugee Resettlement Program: Sanctions for Failure to Cooperate With Work Requirements
115.39 Refugee Resettlement Program: Good Cause For Failure to Cooperate
115.40 The Cuban/Haitian/Entrant Program (Status Pending)
115.50 The Repatriate Program
115.60 Special Provisions Relating to Parolees

AUTHORITY: Implementing and authorized by Sections 12-4.5, 12-4.6 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. ~~1981~~ 1987, ch. 23, pars. 12-4.5, 12-4.6 and 12-13).

SOURCE: Filed and effective December 30, 1977; emergency amendment at 2 Ill. Reg. 28, p. 2, effective June 1, 1978 for a maximum of 150 days, amended at 2 Ill. Reg. 48, p. 60, effective November 25, 1978; amended at 5 Ill. Reg. 2786, effective March 3, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 6 Ill. Reg. 11921, effective September 21, 1982, codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 16109, effective November 22, 1983; amended at 8 Ill. Reg. 6804, effective May 3, 1984; amended at 9 Ill. Reg. 2296, effective February 5, 1985; amended at 13 Ill. Reg. _____, effective _____.

Section 115.10 General Provisions

- a) The Department administers the Refugee Resettlement

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Section 115.10

General Provisions (Cont'd)

b) Program (RRP), the Cuban/Haitian Entrant (Status Pending) Program (CHEP), and the Repatriate Program in Illinois.

For the Refugee Resettlement Program and the Cuban/Haitian Entrant (Status Pending) Program, assistance shall be authorized on the basis of the Aid to Families with Dependent Children (AFDC) Payment Level. The following case compositions define the level of issuance:

- 1) Single Adult. (age 18 or older).
- 2) Family cases must include at least one eligible child. Only the following adults may be included:
 - A) A specified relative of the child and the spouse of the specified relative; or
 - B) The legal guardian of child and the spouse of the legal guardian; or
 - C) The unrelated caretaker of a child and the spouse of the unrelated caretaker.

c) Resources to be considered in all situations are those immediately available for use at the time financial assistance is needed. Available resources are to be considered when they are in existence, the value is ascertainable, they are under the control of the recipient, and can be drawn upon for maintenance.

d) For the Refugee Resettlement Program assistance may not ordinarily be furnished for more than 18 12 months after the date of entry. The Cuban/Haitian Entrant (Status Pending) Program is limited to 18 12 months after the specific date.

e) The following provisions are applicable to the RRP and CHEP Programs:

- 1) To be eligible for RRP and CHEP, a family or individual(s) must be ineligible for categorical assistance (AFDC, Aid to the Aged, Blind or Disabled (AABD), and related Medical Assistance No Grant (MANG) programs);

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Section 115.10

General Provisions (Cont'd)

2) The individuals must avail themselves of all potential resources including application for and acceptance of Supplemental Security Income (SSI) and categorical assistance; and

3) The following provisions of the AFDC program (See 89 Ill. Adm. Code 112) are applicable to the RRP:

- A) Client and Department rights and responsibilities. Refugees or parolees who are potentially eligible for SSI must apply for SSI.
- B) Application for assistance (not eligible for \$100 compensatory payment or Presumptive Eligibility (PE) authorization. All refugees over 18 years of age must sign the application.
- C) Citizenship.
- D) Residence. Temporary absence from the home does not apply to RRP.
- E) Client Cooperation.
- F) Furnishing of Social Security Numbers
- G) Registration/Participation requirements.
- H) Assets.
- I) Income. All non-exempt income, including income from the voluntary sponsoring agency must be budgeted. The earned income exemption (\$30 + 1/3 does not apply).
- J) Support from responsible relatives (Non-Title IV-D provisions).
- K) Personal Injury.
- L) Other financial benefits (i.e., the child care for work and training and other benefits described in 89 Ill. Adm. Code 112.308).

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Section 115.10 General Provisions (Cont'd)

M) Standards:

For a single adult case, the following payment levels apply:

- i) Group I Counties \$6.60 daily \$198.00 monthly
- ii) Group II Counties \$6.33 daily \$190.00 monthly
- iii) Group III Counties \$5.37 daily \$161.00 monthly

N) Special authorizations.

- O) Medical Assistance standard (use the MANG(C) standard if Medical Assistance only is authorized; for a household of one, the Medical-Only Standard is \$198 \$267/month).

P) Redetermination of Eligibility:

- i) Monthly reporting does not apply to RRP.
- ii) Refugee recipients are not included in central redeterminations.
- iii) The Department must contact the VOLAG (See Section 115.32 for information to request).

Q) Case Records.

R) Medical Services.

S) Funeral and Burials.

T) Incorrect Payments.

U) Special Projects.

- V) Crisis Assistance Programs (i.e., the Hardship Program, the Special Assistance Program and the Emergency Assistance Program described in 89 Ill. Adm. Code 116).

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Section 115.10 General Provisions (Cont'd)

W) Replacement of lost or stolen warrants.

- 4) In family cases, the parent (or other responsible person making application) is to be designated as the payee. In adult cases, the recipient is to be the payee.

- f) Individuals receiving assistance under these three programs are eligible to participate in the food stamp program if they meet the eligibility requirements of the Food Stamp Program.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 115.30 The Refugee Resettlement Program

- a) The Refugee Resettlement Program (RRP) provides for the authorization of assistance (financial and medical), for eligible needy refugees from any nation.

- b) In order to be eligible to be included in a Refugee Resettlement assistance unit, an individual must be a refugee, admitted into the United States (U.S.) as a refugee.

- c) Refugees may be eligible for refugee assistance for 18 12 months from the date of entry into the United States. Refugees who have lived in the U.S. more than 18 12 months but not more than 36 24 months may be eligible for refugee related General Assistance.

- d) A child born to refugee parents may be included in the assistance unit even though the child was born in the U.S., as long as both parents are refugees.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Joint Rules of the Board of Regents, the Board of Governors of State Colleges and Universities, the Board of Trustees of the University of Illinois, and the Board of Trustees of Southern Illinois University: Procurement and Bidding

2) Code Citation: 44 Ill. Adm. Code 525

<u>Section Numbers:</u>	<u>Proposed Action:</u>
525.5	Repealed
525.10	Amended
525.20	Amended
525.50	New
525.60	New
525.70	Renumbered and Amended
525.100	Amended
525.110	Amended
525.200	Renumbered
525.300	Amended
525.310	Repealed
525.320	Amended
525.330	Amended
525.340	Amended
525.350	Amended
525.400	Amended
525.410	Amended
525.500	Amended
525.510	Amended
525.520	Amended
525.530	Amended
525.540	New
525.600	Amended
525.610	Amended
525.620	Amended
525.630	Amended
525.640	Amended
525.650	Amended
525.660	Amended
525.670	Amended
525.700	Amended
525.710	Amended
525.720	Amended

4) Statutory Authority: Implementing and authorized by the Illinois Purchasing Act (Ill. Rev. Stat. 1987, ch. 127, pars. 132.1 et seq.).

5) A Complete Description of the Subjects and Issues Involved: The proposed amendments make editorial changes, clarify existing procedures, conform the rules to changes in the applicable laws and simplify the text of the Rules.

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6) Will these proposed amendments replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Do these proposed amendments contain incorporations by reference? Yes.

9) Are there any proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act (Ill. Rev. Stat. 1987, ch. 85, par. 2203).

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after this edition of the Illinois Register to the following:

Mr. Richard J. Coffee, II, Staff Counsel
Board of Regents
One West Old State Capitol Plaza
Springfield, IL 62701

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: December 20, 1988

B) Types of small businesses affected: Business which bid or seek to bid on university contracts.

C) Reporting, bookkeeping or other procedures required for compliance: These amendments do not require any additional procedures for compliance.

D) Types of professional skills necessary for compliance. These amendments do not require any additional skills of vendors for compliance.

The full text of the Proposed Amendments begins on the next page:

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TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND
PROPERTY MANAGEMENT

SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES

CHAPTER II: BOARD OF REGENTS

PART 525

JOINT RULES OF THE BOARD OF REGENTS, THE BOARD OF GOVERNORS OF
STATE COLLEGES AND UNIVERSITIES, THE BOARD OF TRUSTEES OF
THE UNIVERSITY OF ILLINOIS, AND THE BOARD OF TRUSTEES OF
SOUTHERN ILLINOIS UNIVERSITY:
PROCUREMENT AND BIDDING

SUBPART A: PREAMBLE, AUTHORITY AND DEFINITIONS

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525.600 Performance and Payment Bond

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525.640 Assignments by Successful Bidder

525.650 Cancellation of Contract by the University and Compensation for

Damages

525.660 Submission of Invoice Vouchers for Purchases Billing Procedures

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SUBPART H: OTHER PROCEDURES

Section

525.700 When This Procedure May Be Waived by Purchasing Office

Bidding Not Required

525.710 Rights to Appeal Procedures for Appeal525.720 Approval of Solicitations for Sale to the University

AUTHORITY: Implementing and authorized by The Illinois Purchasing Act (Ill. Rev. Stat. 1987, ch. 127, pars. 132.1 et seq.).

SOURCE: Filed June 10, 1975; amended at 7 Ill. Reg. 7100, effective June 1, 1983; codified at 8 Ill. Reg. 19827; amended at ____ Ill. Reg. ____, effective ____.

SUBPART A: PREAMBLE, AUTHORITY AND DEFINITIONS

Section 525.5 Preamble

- a) Purchases by the State Systems Universities in Illinois are subject to the provisions of the Illinois Purchasing Act - (Ill. Rev. Stat.

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1987, ch. 127, pars. 132.1 et seq.) as amended. In addition, it is the practice of these Universities to buy on a competitive basis, when practicable, from responsible suppliers irrespective of the amount to be expended. This Part is applicable to and shall be followed by all the State Systems Universities in Illinois.

- b) With certain statutory exceptions, all purchases in excess of \$5,000 are advertised in the official State newspaper and are awarded on the basis of sealed bids.
- e) Inquiries regarding the purchase of commodities, equipment, services and major construction should be directed to the designated campus officer as shown on the inside cover of this booklet.

(Source: Repealed at Ill. Reg. _____, effective _____)

Section 525.10 Authority

This Part is issued promulgated by the following governing Boards of the State of Illinois: (The Board of Trustees of the University of Illinois, the Board of Trustees of Southern Illinois University, Board of Governors of State Colleges and Universities and Board of Regents of Regency Universities). (hereinafter sometimes referred to individually as "University" and collectively as "State Systems Universities") in accordance with the provisions of the Illinois Purchasing Act (the Act). (Ill. Rev. Stat. 1987, Ch. 127, pars. 132.1 et seq.) The right is reserved by each governing Board to rescind or amend this Part in whole or in part at any time without notice. No such rescission or amendment shall be effective, however, until it has been approved by the Department of Central Management Services and filed with the Secretary of State. These rules may be amended in accordance with the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1987, Ch. 127, pars. 1001 et seq.).

(Source: Amended at Ill. Reg. _____, effective _____)

Section 525.20 Definitions

Bid. "Bid" shall mean an offer to contract with the University.

Bid information. "Bid information" shall be the material supplied to prospective bidders by a University to enable them to bid on proposed purchases University contracts.

Bidder. "Bidder" means any person who submits a bid for a contract with the University.
Cash discount. "Cash discount" is a discount or an allowance deductible from the total amount of the invoice for payment within a specified number of days.

Contractor. "Contractor" shall mean a bidder whose bid has been accepted by the University.

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Person. "Person" means and includes any individual, firm, partnership, corporation, association or other entity.

Purchasing official. "Purchasing official" means the person or persons to whom the governing Board of the respective University has delegated the authority to take the action specified.

Quantity discount. "Quantity discount" is a discount allowed by the bidder for specified quantities of the item.

Trade discount. "Trade discount" is a special discount allowed by the bidder to special classes of purchases.
University. "University" shall mean a governing Board identified in Section 525.10, or its authorized representative, which issues bid information relating to a particular transaction.

(Source: Amended at Ill. Reg. _____, effective _____)

SUBPART B: METHODS OF PROCUREMENT

Section 525.50 General

The principles of competitive bidding and economical procurement practice shall apply to all purchases and contracts by or for the State Systems Universities in Illinois, except as otherwise provided by law or these rules.

(Source: Added at Ill. Reg. _____, effective _____)

Section 525.60 Procedures for Source Selection

a) Sealed Bids. Sealed bids will be requested if the proposed contract is estimated to be \$5,000 or more, except in those instances otherwise authorized by law or this Part. Sealed bids must be in writing and will be opened publicly on a designated day and hour, except as otherwise provided herein.

b) Open Bids. For contracts estimated to be less than \$5,000, or when otherwise authorized by law, open bids may be requested. Open bids shall be made by the bidder in the manner specified in the bid information.

c) Sealed Proposals. This method may be used when specifications do not provide a basis for an award based solely on price or when features are difficult to compare directly. Sealed proposals will be in writing and will be submitted in accordance with specified criteria and will be evaluated on the basis of such criteria considering price and other factors.

d) Negotiation. When a bid or proposal is not required by law or this part and when it is determined that a negotiated procurement is more

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practicable or will result in advantage to the University. negotiations may be conducted with one or more vendors. Award will be made to the vendor best meeting the University's needs.

(Source: Added at Ill. Reg. _____, effective _____)

Section 525.20070 How Bids are Solicited by the University

- a) Newspaper advertisements. Except as otherwise provided in the Illinois-Purchasing Act (Ill. Rev. Stat., 1987, ch. 127, pars. 132.1 et seq.) exempted by law, the University will advertise for bids when purchasing services, commodities or equipment with an estimated value of \$5,000 or more. The advertisement will give full details as to where additional information can be obtained and the time and place of the bid opening. The advertisement will appear in the official State newspaper, except that, in the case of repair and maintenance work estimated at less than \$10,000 but greater more than \$5,000, but not exceeding \$10,000.00, the advertisement will appear in a local newspaper selected by the University purchasing official.

b) Bid information.

- 1) When the University intends to buy purchase services, commodities or equipment, it may will send out bid information to those persons who are on the appropriate bidders list and to any other persons selected by the purchasing official, except in the following cases.

- A) When the bidder does not sell the particular service, commodity or equipment.
 - B) When the number of probable bidders is of such magnitude that optimum prices may reasonably be expected without individual solicitation.
 - C) When bidding is not required by law.
- 2) The bid information will include:

- A) Specifications or descriptions.
 - B) Quantity.
 - C) Any installation, maintenance or repair service to be provided.
 - D) Delivery requirements or date for completion of services.
 - E) Any other terms and/or conditions which the University may require bidders to meet.
- 3) Bid information normally will be mailed, except that, in unusual circumstances, it may be conveyed communicated by telegram or telephone or in electronically printed form.

(Source: Former Section 525.200 Renumbered to New Section 525.70 and Amended at Ill. Reg. _____, effective _____)

SUBPART BC: ELIGIBILITY TO BID

Section 525.100 Bidders List for Contracts Other Than Major Construction

- a) How to apply to be placed on bidders list (other than major construction). Bidders lists are maintained for various service, commodity and equipment classifications. To have its name included on a bidders list, a person should submit a request to the purchasing official indicating the types of services, commodities or equipment on which it is interested in bidding.

b) Application to be filled out.

- 1) Upon receipt of the request, the applicant may be provided an application asking for the required to provide information concerning its form of organization, bank references, sources of supply or other information required to determine its responsibility and capability. The current FEPE prequalification (Illinois Department of Human Rights (DHR) identification) number is to be provided, as well as the Federal Employer Identification Number (FEIN).

- 2) The applicant must disclose in its application the name of each individual having a beneficial interest of more than 7½ in the bidding enterprise and each individual who, together with his spouse or minor children, has a beneficial interest or more than 15% in the bidding enterprise and, if the applicant is a corporation, the names of all its officers and directors. The applicant shall notify the University of any changes in its ownership or officers at the time the change occurs.

- c) Addition of name to list. If the application and financial statement (if required) give sufficient evidence of the applicant's financial and business responsibility and if no reason is known to the University why the applicant would not be a responsible and qualified bidder, upon submission to the purchasing official of a completed application, the applicant's name will be placed on the active bidders list for the service, commodity or equipment classification requested. Bid information will be sent to those persons appearing on the bidders list. The sending of such information does not constitute a final or conclusive determination as to the responsibility and capability of such bidder. The bidder's qualifications and responsibility will be subject to continuous review.

(Source: Amended at Ill. Reg. _____, effective _____)

Section 525.110 Removal from Bidders List or Suspension

- a) Removal from bidders list or suspension. The University may remove any bidder from a bidders list or suspend him the bidder from bidding for a specified period of time, not to exceed one year, for

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violation of this Part or for failure to conform to specifications or terms of delivery. The bidder will be given due notice of such removal or suspension action and the reasons therefore. Appeal procedures are specified in Section 525.710 of this Part.

- b) Cause for removal or suspension. The following, without excluding others of like or different nature, shall be sufficient grounds for such removal or suspension:

- 1) Delivery of commodities, equipment or services which do not comply with the specifications.
 - 2) Failure to make delivery or to complete a construction project in the time specified in the contract or purchase order.
 - 3) Failure to keep offer firm for length of time specified.
 - 4) Failure to provide any required performance or payment bonds.
 - 5) Collusion with other bidders or prospective bidders.
 - 6) Bankruptcy or other evidence of lack of responsibility.
 - 7) Failure to perform in accordance with an award.
 - 8) Failure to make equitable adjustments or replacement of damaged goods.
 - 9) Failure to honor warranties and or guarantees.
 - 10) Giving false or misleading information.
 - 11) Any action constituting violation of State of Illinois or Federal laws or regulations, including noncompliance with the Illinois Fair Employment Practices Human Rights Act (Ill. Rev. Stat. 1987, Ch. 68, pars. 1-101 et seq.) or with FEPC Rules and Regulations Department of Human Rights rules for Public Contracts (44 Ill. Adm. Code 750).
 - 12) For three two consecutive failures to respond (either with a bid or an indication of "no bid") to bid information.
 - 13) Determination of insufficient financial capability to perform a contract or any other facts causing substantial doubt as to whether the bidder can be relied upon to fulfill obligations under any contract awarded.
 - 14) Any other violation of this Part.
- c) Reinstatement. After receipt of a notice of removal or suspension, a bidder may submit in writing an explanation of the circumstances which were the cause of the removal or suspension order, ~~or may show and prove~~ that such circumstances have been corrected. On the basis of such explanation ~~or showing proof~~, the University may modify or rescind the order removal or suspension.

(Source: Amended at Ill. Reg. _____, effective _____)

SUBPART 6:--SOLICITATION-OF-BIDS

Section 525.200 How Bids are Solicited by the University (Renumbered)

(Source: Former Section 525.200 Renumbered to New Section 525.70 at Ill. Reg. _____, effective _____)

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SUBPART D: SUBMISSION OF BIDS

Section 525.300 University Bid Form

- a) Uniformity. To provide uniformity of method and to facilitate comparison of bids by the University, the bidders and interested members of the public, only bids submitted on the bid form specified by the University will be acceptable. Any exception must have prior approval. The University reserves the right to waive minor variances or irregularities.
- b) Use of typewriter, or ink or indelible pencil. Every bid shall be typewritten or written in ink or indelible pencil. The bid must be signed by the person submitting the bid or his the person's duly authorized agent. The signature shall be in ink or indelible pencil, and the name and title of each person signing the bid shall be typed or printed below his the signature.
- c) Bids by telephone or in electronically printed form telegram. In unusual circumstances, the University may agree to receive bids by telephone or telegram. Written confirmation of the bid shall be mailed or delivered by the bidder on the same day.

(Source: Repealed at Ill. Reg. _____, effective _____)

Section 525.310 Types of Bids (Repealed)

- a) Sealed bids. Sealed bids will be requested if it is estimated that a proposed order will total \$5,000 or more, except in these instances exempted by the Illinois Purchasing Act: Sealed bids must be in writing and will be opened publicly on an appointed day and hour.
- b) Open bids. For estimated orders of less than \$5,000 or in unusual circumstances, either sealed or open bids may be requested. Open bids shall be made by the bidder in the manner requested in the bid information.

(Source: Repealed at Ill. Reg. _____, effective _____)

Section 525.320 Contents of Bids

- a) Specifications. Completeness of Bid. The bid will include all matters required by the bid information. All appropriate blanks in the bid form must be completed by the bidder.
- b) Reference specifications. Any specifications or standards adopted by business, industry, not-for-profit organization, or governmental unit may be incorporated by reference.
- c) Brand name or equal. Specifications may refer to one or more brand name products followed by the words "or equal." "Or equal" submissions will not be rejected because of minor differences in

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design, construction, or features which do not affect the suitability of the product for its intended use. The burden of proof that the product is equal for the intended use is on the bidder.

d) Brand name only. Brand name alone may be specified in order to fill medical prescription needs or to stock University retail-type operations.

be) Items must be new and current. Unless otherwise specified, the items offered must all be new and the latest model, crop or manufacture.

ef) Bids on alternate items. When any bidder offers an alternate item for consideration, he the bidder will give complete specifications, name the brand and verify in writing demonstrate that the alternate item is equal. The University reserves the right to reject any alternate item which it determines is not equally in quality to the item suitable for the specified purpose. The burden of proof is on the bidder.

eg) Unit and total prices. The price for the units specified in the bid shall be clearly shown for each individual item. Only one unit price shall be quoted for each item. The total price for the quantity requested must also be shown. In the event of discrepancy, the unit price shall govern unless otherwise stated in the bid document.

e) Acceptance of split award. The University makes every attempt to award orders on an even split basis. However, the right is reserved to split the award. If a split award is not acceptable to a bidder, it must be so stated in the bid.

fh) Period of firm bid. The price of each bid must be kept firm for at least 60 days after the latest time specified for submission of bids (unless otherwise provided in the invitation to bid information). If no longer period is indicated by the bidder in the bid, the price will be firm for 60 days and continued thereafter until 10 days after written notice to the contrary is received by the University from the bidder.

gi) Maintenance and repair service. If the bid information specifies that maintenance or repair service must be provided by the successful bidder, each bidder will specify in his bid whether the service will be provided by the bidder or through an arrangement with another identified person or firm.

h) Taxes, licenses, assessments, and royalties.

1) The contractor shall pay all current and applicable City, County, State and Federal taxes, licenses or assessments, including Federal excise taxes, due on his work the performance of the contract, including, without thereby limiting the foregoing, those required by the Federal Insurance Contribution Act and the Federal and State Unemployment Tax Acts, together with all royalties due for any proprietary items. The contractor hereby accepts is exclusively liability liable for the payment of the taxes to the respective

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governments. In the event said taxes, licenses, assessments or royalties, or any part thereof is in the first instance charged to the University, the contractor shall, upon timely demand of the University, pay the University the amount thereof, plus all penalties which may have accrued thereon.

2) The contractor accepts exclusive liability for and shall pay all taxes, licenses, assessments or royalties levied, assessed or imposed upon or on account of the execution of the contract or on the materials therefor or on the manufacture, storage, sale, receipts from sale, transportation or delivery of the materials under any Federal, State or local law or laws.

3) The University is exempted by Section 3 of the Use Tax Act (Ill. Rev. Stat. 1987, ch. 120, par. 439.3) from paying any of the taxes imposed by that Act, and sales to the University are exempted by Section 2 of the Retailers' Occupation Tax Act (Ill. Rev. Stat. 1987, ch. 120, par. 411) from any of the taxes imposed by that Act. The Department of Revenue of the State of Illinois under Rule No. 15, issued August 9, 1961, has declared that sales of materials to construction contractors for conversion into real estate for schools or charities are not taxable retail sales. The purchasing official will furnish the vendor with an exemption certification statement upon request.

ik) Federal Excise Tax. Bidders must not include in their prices any allowance for payment of Federal Excise Tax, as the University is exempt from such taxes. If an order or contract is awarded for the sale purchase of an item that is subject to Federal Excise Tax, the University purchasing official will furnish the vendor with an exemption certificate upon request.

jl) State and Federal laws and University regulations rules. All bids and contracts are subject to this Part and to applicable Federal laws and those of the State of Illinois, particularly the Illinois Purchasing Act, conflict of interest statutes, nondiscriminatory employment statutes and equal employment opportunity laws. A certification is required in certain instances, and the form of this certification may be provided in the bid form. (See also Subsection (ip) of this Section.)

km) Equal employment opportunity. During the performance of an order or contract and whether or not Federal funds may be involved, the contractor agrees as follows: The bidder is required to comply with the provisions of the Illinois Human Rights Act, and the rules promulgated thereto.

1)

A) In the event of the contractor's noncompliance with any provision of this Equal Employment Opportunity (EEO) Clause, the Illinois Fair Employment Practices Act or the Fair Employment Practices Commission's (FEPC) Rules for Public Contracts, the contractor may be declared nonresponsible and, therefore, ineligible for future contracts or subcontracts with the State of Illinois or

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any-of-its-political-subdivisions-or-public-or-municipal corporations; and the contract may be cancelled or voided in whole or in part, and such other sanctions or penalties may be imposed or remedies invoked as provided by statute or regulations;

B) During the performance of this contract, the contractor agrees as follows:

i) That it will not discriminate against any employee or applicant for employment because of race, color, religion, sex, age, national origin or ancestry; and, further, that it will examine all job classifications to determine if minority persons or women are underutilized and will take appropriate affirmative action to rectify any such underutilization.

ii) That, if it hires additional employees in order to perform this contract or any portion hereof, it will determine the availability (in accordance with the Commission's Rules for Public Contracts) of minorities and women in the area(s) from which it may reasonably recruit, and it will hire for each job classification for which employees are hired in such a way that minorities and women are not underutilized.

iii) That, in all solicitations or advertisements for employees placed by it or on its behalf, it will state that all applicants will be afforded equal opportunity without discrimination because of race, color, religion, sex, age, national origin or ancestry.

iv) That it will send to each labor organization or representative of workers with which it has or is bound by a collective bargaining or other agreement or understanding a notice advising such labor organization or representative of the contractor's obligations under the Illinois Fair Employment Practices Act and the Commission's Rules for Public Contracts. If any such labor organization or representative fails or refuses to cooperate with the contractor in its efforts to comply with such Act and Rules, the contractor will promptly so notify the Illinois Fair Employment Practices Commission, and the contracting agency will recruit employees from other sources, when necessary, to fulfill its obligations thereunder.

v) That it will submit reports as required by the Illinois Fair Employment Practices Commission's Rules for Public Contracts, furnish all relevant information as may from time to time be requested by the Commission or the contracting agency and, in all

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respects, comply with the Illinois Fair Employment Practices Act and the Commission's Rules for Public Contracts:

vi) That it will permit access to all relevant books, records, accounts and work sites by personnel of the contracting agency and the Illinois Fair Employment Practices Commission for purposes of investigation to ascertain compliance with the Illinois Fair Employment Practices Act and the Commission's Rules for Public Contracts.

vii) That it will include verbatim or by reference the provisions of paragraphs (i) through (vii) of Section 525-320(k)(1)(b), in every performance subcontract as defined in Section 2-10(b) of the Commission's Rules for Public Contracts so that such provisions will be binding upon every such subcontractor; and that it will also so include the provisions of Section 525-320(k)(1)(b)(i), (v), (vi) and (vii) in every supply subcontract as defined in Section 2-10(a) of the Commission's Rule for Public Contracts so that such provisions will be binding upon every such subcontractor; in the same manner as with other provisions of this contract, the contractor will be liable for compliance with applicable provisions of this clause by all its subcontractors; and, further, it will promptly notify the contracting agency and the Illinois Fair Employment Practices Commission in the event any subcontractor fails or refuses to comply therewith. In addition, no contractor will utilize any subcontractor declared by the Commission to be nonresponsible and, therefore, ineligible for contracts or subcontracts with the State of Illinois or any of its political subdivisions or municipal corporations.

2) The contractor will comply with all provisions of Federal Executive Order No. 11246 of September 24, 1965, as amended, and of the rules, and relevant orders of the Secretary of Labor.

3) All contract specifications furnished by the University to bidders shall be deemed to contain the Equal Employment Opportunity Clause set forth in Article III, Section 3.1, of the Illinois Fair Employment Practices Commission Rules for Public Contracts, and such clause shall be deemed included as a material term of any contract. The Equal Employment Opportunity clause is published in full in this Part and may be incorporated by reference in the individual contract or contract specifications. By operation of this Part, the Equal Employment Opportunity Clause shall be deemed to be a part of every contract whether or not such contract is in writing and regardless of whether said clause is physically incorporated therein.

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- 4)---A written affirmative action plan designed to eliminate discrimination in employment over a stated minimum time period, which is acceptable to the University and in accordance with all State and Federal laws and regulations, will be required of contractors and subcontractors according to Federal Executive Order 11375, dated 1967.
- 5)---All bidders on construction contracts subject to the competitive bidding requirements of the Illinois Purchasing Act shall complete and submit, along with and as part of their bids, a Bidder's Employee Utilization Form Construction--(FPFC--form PC-2) setting forth a projection and breakdown of the total work force intended to be hired and/or allocated to such contract work by the bidder, including a projection of minority and female employee utilization in all job classifications on the contract project. The University shall review the employee utilization form as provided in the FPFC Rules for Public Contracts.

- 1)---Notice of requirement for certification of nonsegregated facilities. Bidders are cautioned as follows: --By signing and submitting its bid, the bidder will be deemed to have signed and agreed to the following provisions of the Certification of Nonsegregated Facilities, and certification of compliance with Title IX of the Education Amendments of 1972 (20 U.S.C. 1681, 1682, 1683, and 1685):

1)---Certification of Nonsegregated Facilities

The contractor certifies that he will comply with Title IX and he does not maintain or provide for his employees any segregated facilities at any of his establishments and that he does not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. The contractor certifies further that he will not maintain or provide for his employees any segregated facilities at any of his establishments and that he will not permit his employees to perform their services at any location under his control where segregated facilities are maintained. The contractor agrees that a breach of this certification is a violation of the Equal Opportunity Clause in this contract. As used in this certification, the term "segregated facilities" means any waiting rooms, work areas, rest rooms and wash rooms; restaurants and other eating areas; time clocks; locker rooms and other storage or dressing areas; parking lots; drinking fountains; recreation or entertainment areas; transportation and housing facilities provided for employees which are segregated on the basis of race, creed, color or national origin because of habit, local custom or otherwise. The contractor agrees that (except where he has obtained identical certifications from proposed subcontractors for specific time periods) he will obtain identical certification from proposed subcontractors prior to the award of subcontracts and that he will retain such certifications in his files.

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- 2)---Certification of Compliance with Title IX
- The contractor certifies that he will comply, to the extent applicable to him, with Title IX of the Education Amendments of 1972 as amended, and all applicable requirements imposed by or pursuant to the Department's regulation issued pursuant to Title IX (46 CFR 86) as amended from time to time, to the end that, in accordance with Title IX and Part 86, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any education program or activity receiving benefits from Federal financial assistance.
- mn) Compliance with laws, regulations, and labor and employment provisions.
- 1) The contractor agrees to comply with all laws, statutes, regulations, ordinances, ruling or enactments of any governmental authority that are applicable to the work or which in any way pertain to the project, including, without limiting the foregoing thereto, the following statutes:

- A) "AN ACT to give preference in the construction of public works projects and improvements to citizens of the United States who have resided in Illinois for one year" (Ill. Rev. Stat. 1987, ch. 48, pars. 269 et seq. to 275, both inclusive); --This Act requires the employment of Illinois laborers only on any public work project where qualified Illinois laborers are available. The term "laborers" is defined therein to include all labor, whether skilled, semi-skilled or unskilled, and whether manual or nonmanual; and "Illinois laborers" as laborers who are citizens of the United States and who have resided in Illinois at least one year directly preceding this employment; --An exception to the above requirement is permitted by the statute, in that the contractor may place on such work not to exceed three of his regularly employed nonresident executive and technical experts.

- B) "AN ACT to give preference to veterans of the United States military and naval service in appointments and employment upon public works by, or for the use of the State or its political subdivisions" (Ill. Rev. Stat. 1987, ch. 1264, pars. 23 et seq.). This Act requires that preference in employment on public works be given qualified veterans of wartime military or naval services who were honorably discharged therefrom, including persons on inactive or reserve duty, who are residents of the district where the work is to be done; --it is not required that nonresident veterans be given preference over nonveteran residents.

- C) "AN ACT to prohibit discrimination and intimidation on account of race, creed, color, sex, religion, physical or mental handicap unrelated to ability, or national origin

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in employment under contracts for public buildings or public works" (Ill. Rev. Stat. 1987, ch. 29, pars. 17 et seq.; both inclusive). This Act requires that no person may be refused or denied employment or be discriminated against in contracts for public works because of race or color and that no contractor, subcontractor or person on behalf of either shall discriminate against or intimidate any employee hired for public work for such reason, and provides penalties and recoveries for violation of its provisions.

D) "AN ACT regulating wages of laborers, mechanics and other workers employed in any public works by the State, county, city or any public body or any political subdivision or by anyone under contract for public works" (Ill. Rev. Stat. 1987, ch. 48, pars. 39s.1 et seq. through 39s.12 both inclusive). This Act requires that wages not less than the general prevailing rate of hourly wages for work of a similar character in the locality in which the work is performed and not less than the general prevailing rates of hourly wages for legal holiday and overtime work in the locality shall be paid to all laborers, workmen and mechanics employed on the work (a determination of the prevailing rates for all crafts is on file with the Director of Labor in Springfield, Illinois, and in Chicago). It is further required by the Act and by these general conditions that the contractor and each of his subcontractors shall keep, or cause to be kept, an accurate record showing the names and occupation of all laborers, workmen and mechanics employed by them in connection with the work and showing also the actual hourly wages paid to each of such workers, which record shall be open at all reasonable hours to the inspection of the owner, its officers and agents and to the Director of the Department of Labor of the State of Illinois and his deputies and agents.

E) "AN ACT to promote the public health, welfare and safety of the People of the State of Illinois by reducing denial of equality of employment opportunity because of race, sex, color, religion, national origin or ancestry; to create a Fair Employment Practices Commission; to define its functions, powers and duties; to provide for enforcement of its orders and to make an appropriation in connection therewith." (Ill. Rev. Stat. 1987, ch. 48, pars. 851 through 867; both inclusive). This Act requires that every contract to which the State, any of its political subdivisions or any municipal corporation is a party shall be conditioned upon the requirement that the supplier of materials or services and the contractor and his subcontractors and all labor organizations furnishing skilled,

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unskilled and craft-union skilled labor or who may perform any such labor or service, as the case may be, shall not commit an unfair employment practice in this State, as defined in said act.

F) "Williams-Steiger Occupational Safety and Health Act (OSHA) of 1970 (84 Stat. 1503; 1600; 29 U.S.C. 655, 657); Chapter XVII of Title 29 of the Code of Federal Regulations as promulgated under it applies to employers, meaning any person hiring others, engaged in a business affecting commerce; excluded are the United States and any state or political subdivision of a state, until such time as state statute effects the enforcement of such act; (Ill. Rev. Stat. 1987, ch. 48, pars. 137.1 et seq.) and (Ill. Rev. Stat. 1987, ch. 48, pars. 59.1 et seq.);

2) "The above explanation of these Acts are much condensed and not intended to be a complete detailed account of all duties imposed thereby upon the contractor. Contractor agrees to and shall comply with all of the provisions of the above acts, whether herein set forth or not, as well as with the provisions of all other applicable legislation and regulations promulgated thereunder, and especially agrees to keep the records described in Subsection (E) above and pay the prevailing rate of hourly wages as required;

NO) Compliance with "Anti-Kickback Statute." Federally financed purchases for projects purchases financed in whole or in part by United States Government funds, the contractor and each of his subcontractors shall comply with the following statutes (and with regulations issued pursuant thereto, which are incorporated herein by reference):

1) 18 U.S.C. 874: Prohibition of "Kickback from public works employees. Whoever, by force, intimidation, or threat, of procuring dismissal from employment, or by any other manner whatsoever induces any person employed in the construction, prosecution, completion or repair of any public building, public work, or building or work financed in whole or in part by loans or grants from the United States, to give up any part of the compensation to which he is entitled under his contract of employment, shall be fined not more than \$5,000 or imprisoned not more than five years, or both."

2) 40 U.S.C. 276(c): Requiring filing of weekly statements of wages paid. "The Secretary of Labor shall make reasonable regulations for contractors and subcontractors engaged in the construction, prosecution, completion or repair of public buildings, public works or buildings or works financed in whole or in part by loans or grants from the United States, including a provision that each contractor and subcontractor shall furnish weekly a statement with respect to wages paid each employee during the preceding week; 18 U.S.C. 1001 shall apply to such statements."

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- 3) By signing and submitting its bid, the bidder will be deemed to have signed and agreed to the provisions of the Certification of Nonsegregated Facilities, and certification of compliance with Title IX of the Education Amendments of 1972 (20 U.S.C. 1681, 1682, 1683, and 1685).
- 4) Compliance with Copeland Regulations 29 CFR 3. For projects financed in whole or in part with Federal funds, the contractor agrees to comply with Copeland Regulations (29 CFR 3) of the Secretary of Labor, which are incorporated herein by reference.
- 5) Section 402 of the Vietnam Era Veterans Readjustment Assistance Act of 1974 requiring affirmative action to employ and advance in employment qualified disabled veterans and veterans of the Vietnam Era (38 U.S.C. 2012).
- 6) Section 503 of the Rehabilitation Act of 1973 requiring affirmative action to employ and advance in employment qualified handicapped individuals (29 U.S.C. 793).
- 7) Federal Executive Orders 11246 and 11375 requiring affirmative action and equal opportunity in employment for all persons without regard to race, color, religion, sex or national origin.
- p) Policy relating to the employment and treatment of handicapped persons; disabled veterans; and veterans of the Vietnam Era.
- 1) For projects financed in whole or in part by Federal funds, the contractor agrees, in order to provide special emphasis to the employment of qualified disabled veterans and veterans of the Vietnam Era, that all suitable employment openings of the contractor which exist at the time of the execution of this contract and those which occur during the performance of the contract, shall be offered for listing at an appropriate local office of state employment service system wherein the opening occurs, and provide such report to such local office regarding employment openings and hires as may be required.
- 2) Section 402 of the Vietnam Era Veterans Readjustment Assistance Act of 1974, and Section 503 of the Rehabilitation Act of 1973 direct that policy with regard to employment and treatment of the job of handicapped persons; disabled veterans; and veterans of the Vietnam Era shall appear in "Policy Manuals" of the contractor. The principles of Equal Employment Opportunity must be part of the general policy of the contractor. Unless otherwise provided by law, employees are to be selected and treated during employment without regard to political affiliation, relationship by blood or marriage, age, sex, race, creed or national origin; handicap or status as disabled veteran or veteran of the Vietnam Era.
- q) Provisions required by law deemed inserted. Each and every provision of law and clause required by law to be inserted in any order or contract shall be deemed to be inserted therein; and the order or contract shall be read and enforced as though it were included therein; and if, through mistake or otherwise, any such

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provision is not inserted or is not correctly inserted, then upon the application of either party the contract shall forthwith be physically amended to make such insertion or correction.

(Source: Amended at Ill. Reg. ___, effective ___)

Section 525.330 How to Submit Bids

- a) Special envelope for sealed bids. A special envelope will be furnished for return of a sealed bid. The envelope containing the bid will show the following information on the outside:
- 1) Address to which the bid is to be mailed or delivered.
 - 2) Date and time of the bid opening.
 - 3) Requisition or bid number or other project identification.
 - 4) Firm name and address of bidder.
- b) Where to submit bids. All bids must be submitted to the office at the address specified in the bid documents information.
- c) When to submit bids. Bid information will state the place, date and hour of opening of bids and the latest date for submission receipt of bids by the purchasing official.
- d) Modification or withdrawal of bids. A bidder may withdraw or modify a bid if notice of the withdrawal or change modification is received by the University purchasing official before the latest time specified for submission receipt of bids. Any such change modification or withdrawal, however, must be made in person, by letter or telegram by printed form conveyed electronically and must be physically received by the Purchasing official prior to the scheduled bid opening. In unusual circumstances, the purchasing official may agree to receive modifications or withdrawals by telephone. Written confirmation of the modification or withdrawal shall be mailed or delivered by the bidder on the same day.
- e) Late bids. No bids received after the time specified in the bid information will be considered. It is the bidder's responsibility to see that the bid is delivered at the time and place specified. All bids received after the specified time are will be marked "Received too late for consideration," signed by the University purchasing official and returned unopened.
- f) Prequalification Eligibility of bidders. No person shall be eligible to bid on a contract of more than \$5,000 or more unless such person, at least three days prior to bid opening, has complied with the rules of the Illinois Department of Human Rights concerning eligibility of bidders.
- 1) has prequalified with the State of Illinois Fair Employment

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Practices-Commission-(FPC)-as-to-his-equal-employment opportunity-responsibility-and-is-not-subject-to-a-current-order-of noncompliance-or

- 2)---has-pending-before-the-FPC-a-current-application-for-such prequalification-consisting-of-a-sworn-Employer-Report-Form; Prequalification,which-has-not-been-denied-by-the-Commission;
- g) Bid reservations. The University reserves the right to reject any or all bids or any part thereof, to waive informalities and to accept the bids deemed most-favorable to be in the best interest of the University.

(Source: Amended at ___ Ill. Reg. ___, effective ___)

Section 525.340 Bid Security

- a) Bid deposit. The bid information may require each bidder to file a bid deposit, the amount of which will not ordinarily exceed 5% of the bid amount, in the form of a certified check, bank draft or cashier's check, made payable to the governing Board of the University. A bid bond will be acceptable in lieu of the foregoing, if so specified in the bid information.
- b) Retention or use of bid deposit. The bid deposit will be considered as security for full performance of all obligations imposed on the bidder, under the law and this Part, including the obligation to keep the price or bid firm for as long a period as specified in the bid information, and the obligation to file a performance and/or payment bonds if required, when a contract is awarded. If the bidder fails to perform any such obligations, the University will negotiate his bid deposit and retain from the proceeds thereof an amount sufficient to compensate it for damages suffered. The University may retain the bid deposit as liquidated damages if the bid information so specifies.
- c) Disposition of bid deposit. If a bidder is not one of the three lowest qualified bidders, his bid deposit is will be returned to him the bidder as soon as possible is practicable after the bid opening. The three lowest qualified bidders deposits are will be returned as soon as possible after the contract is awarded or, if a performance and/or payment bonds should-be is required, as soon as the successful bidder has filed an acceptable bond.

(Source: Amended at ___ Ill. Reg. ___, effective ___)

Section 525.350 Submission of Samples With-Bid

- a) How to submit samples. Any samples called for in the bid information should be addressed and submitted as instructed. Each sample must be labeled clearly with the bidder's name, address, bid information number and a brief description of the contents. Samples may be required even if there is no such requirement in the bid

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information. All transportation, packing and crating charges must be paid by the bidder, except where otherwise stated in the bid information.

- b) Representative sample. All samples submitted must be representative of the commodities or equipment which will be delivered if a contract is awarded. Samples submitted by successful bidders will be retained for use in checking items delivered under the contract, but the submission of samples shall not limit the right of the university to insist that commodities or equipment delivered must also meet the specifications of the bid information.
- c) Disposition of samples. Unless otherwise specified in the bid information, no payment will be made for samples. However, samples not destroyed by examination or testing will be returned to bidders (if so requested when samples are submitted by marking sample "Please return sample"), at the bidder's expense.
- d) Liability for samples and demonstration equipment.
- 1) The University shall not be held liable for other commodity samples or demonstration equipment requested-by-or-offered-to University-employees. Acceptance Receipt of commodities or demonstration equipment for tests and evaluation purposes shall not affect the University's right to evaluate other bid proposals or to award a purchase order or contract to another bidder.
 - 2) When demonstration equipment is being delivered to or installed on University premises, the contractor shall maintain adequate workmen's compensation insurance and liability coverage for personal injury or property damage which shall be subject to approval by the University. A certificate of insurance may be required.

(Source: Amended at ___ Ill. Reg. ___, effective ___)

SUBPART E: HANDLING OF BIDS

Section 525.400 Handling of Sealed Bids

- a) Formal bid opening. All sealed bids will be opened, the bids read aloud and names of the bidders recorded at the place and time specified. The bid opening will be conducted by the Purchasing official or his designated representatives.
- b) Bidders may be present. The bidder or his delegated representative or any other interested party may be present at any bid opening.
- c) Bid speaks for itself. If the person reading the bid makes an error, the figure given in the bid shall govern.
- d) Recording of bids. When all bids have been opened or read, the persons conducting the bid opening will sign the following certification: "I/We hereby certify that the bids submitted by the

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bidders whose names are recorded above were opened, read and recorded at the place and time specified in the bid information."

- e) Prompt tabulation and award. All sealed bids are tabulated for comparison and awards made as soon as is practicable after the opening and recording of the bids.
- f) Public record of sealed bids. The record of bidders' names prepared at the bid opening and all the bids and tabulation sheets will be kept in the office of the appropriate Purchasing official for a period of not less than two years after the award is made and will be available for inspection at reasonable hours by any interested person.

(Source: Amended at _____, Ill. Reg. _____, effective _____)

Section 525.410 Handling of Open Bids

Open bids will be examined and the award made as soon as is practicable after the time specified for submission of the bids. All bids and tabulation sheets (if any) will be kept in the office of the appropriate Purchasing Official at least two years after the award is made and will be available for inspection at reasonable hours by any interested person.

(Source: Amended at _____, Ill. Reg. _____, effective _____)

SUBPART F: AWARDING OF CONTRACTS

Section 525.500 Standards for Awarding Contracts

- a) Lowest and best bid. The awards will be made to the lowest bidder, considering price, responsibility and capability of bidder, availability of funds and all other relevant factors, provided the bid meets the specifications and other requirements of the bid information. The standards followed in determining which is the lowest and best bid are outlined below.
- b) Cash discounts. In determining the lowest bid, cash discounts, when stated separately, will be taken into account, unless stated otherwise in the bid solicitation form information.
- c) Trade and quantity discounts. Trade and quantity discounts may be indicated, but should always be deducted by the bidder in calculating the unit price quoted.
- d) Illinois sales, service and use tax. Bidder should not include Retailer's Occupation Tax, Use Tax or Federal Tax in his the quotation. Receipts from sales to the University are normally exempt from these taxes.
- e) Unit price governs. In case of a mistake in the extension of a price, the unit price will govern unless otherwise stated in the bid information.

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- f) Awards of any or all items. An award may be made to the lowest aggregate bidder for all items or on an individual item basis unless otherwise stated in the bid information. (If a split award is not acceptable to a bidder, it must be so stated in the bid.)
- g) Costs. Projected delivery, installation, and operational costs of equipment may be considered.
- h) Conditions and Guarantees and warranties. Conditions and terms of Manufacturer's Guarantees may be included Terms and conditions of bidders' and manufacturers' guarantees and warranties will be considered in the evaluation of bids.
- i) Fair Trade Act. Sales to the University are exempt from the provisions of the Illinois Antitrust Act (Ill. Rev. Stat. 1987, ch. 38, pars. 60-1 et seq.).
- j) Trademarks and Brands. Section 190 of the Illinois Statutes entitled "Protection of Trademarks and Brands" (Ill. Rev. Stat. ch. 124, pars. 188-191, both inclusive), is extracted and reproduced for the information and guidance of all bidders. The provision of this Act shall not apply to any contract or agreement relating to any commodity which may be sold or offered for sale to the State of Illinois or to any of its administrative agencies or political subdivisions, or to any municipality or to any free public library, endowed library, college, university or school library in this state."
- ki) Repair and service requirements. The bidder's or manufacturer's ability to meet specified repair and service requirements may be used in evaluating bids.
- lj) Tie bids. If two or more bids meeting the specifications and other requirements of the bid information are tied for low price, the bids will be treated as follows:
 - 1) If there is a significant difference in the responsibility of the bidders (including ability to deliver in the quantity and at the time required), the award will be made to the bidder who is deemed to be the most responsible.
 - 2) If there is no significant difference in the responsibility of the bidders, but there is a difference in the quality of the commodities or services offered, the bid offering the best quality or services will be accepted.
 - 3) If there is no significant difference in the responsibility of the bidders and no difference in the quality of the items and service offered, the bid offering the earliest delivery time will be accepted in any case in which the bid information specified that the needs of the University require as early delivery as possible. In all other cases, delivery time will not be considered in making awards so long as the bidder states he will delivery will occur not later than the time specified in the bid information as the latest acceptable delivery time.
 - 4) If everything all else is equal, preference will be given to the Illinois bidders resident bidders, as defined in (k) below. The term "Illinois bidders" includes individual bidders

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who reside or are authorized to do business in Illinois; corporations organized under the laws of Illinois and corporations organized in other states but authorized to transact business in Illinois; Preference among resident bidders may also be given; in such cases, to Illinois the resident bidders offering commodities or equipment grown or produced in Illinois.

- 5) If the bids quoting the same price are equal in every respect, the award may be split or made by lot.

m) Resident bidder.

- 1) When a public contract is to be awarded to the lowest responsible bidder, a resident bidder must be allowed a preference as against a nonresident bidder from any state which gives or requires a preference to bidders from that state. The preference is to be equal to the preference given or required by the state of the nonresident bidder.

- 2) "Resident bidder" means a person authorized to transact business in this State and having a bona fide establishment for transacting business within this State at which it was actually transacting business on the date when any bid for a public contract is first advertised or announced, including a foreign corporation duly authorized to transact business in this State which has a bona fide establishment for transacting business within this State at which it was actually transacting business on the date when any bid for a public contract is first advertised or announced.

- 3) This statement Paragraph 1 and 2 above does not apply to any contract for any project for which Federal funds are available for expenditure when such paragraphs may be in conflict with Federal law or Federal regulation (Section 6 of the Illinois Purchasing Act, as amended).

n) Ownership. The bidder for a contract involving an expenditure of \$5,000 or more shall file on file with the University a disclosure statement naming each individual having a beneficial interest of more than 7% in the bidding enterprise and each individual who, together with his spouse or minor children, has a beneficial interest of more than 15% in the bidding enterprise and, if the bidder is a corporation, the names of all of its officers and directors, in compliance with Section 6-1, of the Illinois Purchasing Act, as amended.

o) Contract renewal option. Certain bids may be solicited and contracts issued with renewal clauses to bind the contractor to a renewal period at the sole option of the University. In such cases, bidders will be asked to bid a firm price to be applicable during the renewal period, if the University chooses to renew, or, in the alternative, to bid prices geared to pertinent commodity price indexes to be applicable in renewal periods, if the University chooses to renew. In all cases where the renewal option is involved, the University's specifications bid information will state

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that it the University reserves the right to renew the contract, if awarded, in accord with prices (firm or geared to pertinent price indexes) included in bids received and that renewal on such terms is at its sole option.

(Source: Amended at Il. Reg. _____, effective _____)

Section 525.510 Rejection of Bids

- a) Nonresponsive bids. Any bid which does not meet the requirements of the bid information or does not comply with this Part may be rejected.
- b) Alterations and erasures. Bids containing any material alteration or erasure may be rejected, unless the change is initialed by the bidder.
- c) Responsibility of the bidder.

1) The University purchasing official may at any time make a supplementary investigation as to the responsibility or qualification of any bidder, even though the bidder is on a bidders list. This may include investigation of financial responsibility, insurability, effective equal opportunity compliance, capacity to produce or sources of supply, performance record in the business or industry, ability to provide required maintenance service and other matters relating to the bidder's probable ability to deliver in the quality, quantity and within the time required under the contract, if it is awarded to him the bidder. The University purchasing official may require the submission of written statements from the bidder or other persons concerning any such matters.

2) If the University concludes that a particular bidder appears not to be sufficiently responsible to assure adequate performance on a contract, the bid will be rejected.

3) If, in the judgment of the University, there is some question about the responsibility of the low bidder but the University would be adequately protected by the filing of a performance or payment bonds or both (or the deposit of a certified or cashier's check, if approved by the University) as security for performance, it may require the low bidder to file such a bonds (or deposit such a check), even though not required by the bid information, and, upon the filing of the bond (or deposit of the check), may make the award. Such bond(s) shall be filed within a specified number of days and shall normally be obtained at the expense of the bidder.

d) Conflicts of interest. Any bid, the acceptance of which would result in any of the following prohibited types of contracts, will be subject to rejection.

- 1) It is unlawful for any member of the General Assembly to be interested, directly or indirectly, in any State contract authorized by any law (including any appropriations statute)

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passed during the term for which he the member was elected, provided, however, that any contract made prior to his the member's election and completed within six months after he the member takes office is valid.

2) The laws of the State of Illinois provided that no elective State officer or member of the General Assembly or any person employed in any of the offices of the State Government or the wife, husband or minor child of any such person shall have, acquire, obtain or hold any contract which will be wholly or partly satisfied by the payment of funds appropriated by the General Assembly of the State of Illinois, nor shall any such person have, acquire, obtain or hold any direct pecuniary interest in any such contract.

3) In addition, the laws of the State of Illinois provide that it is unlawful for any firm, partnership, association or corporation from which any such person as described in Subsection (2) above shall be entitled by contract, stock ownership or otherwise to receive more than 7 1/4 percent of the total distributable income thereof, to have, acquire, obtain or hold any such contract or direct pecuniary interest therein.

4) In addition, the laws of the State of Illinois provide that it shall be unlawful for any firm, partnership, association or corporation from which any such person as described in Subsection (2) above, together with his or her wife or husband or minor child or children, or any of them shall by contract, stock ownership or otherwise be entitled to receive, in the aggregate, more than 15 percent of the total distributable income thereof, to have, acquire, obtain or hold any such contract or direct pecuniary interest therein.

5) The laws of the State of Illinois provide that no member of the University's governing Board shall be directly or indirectly interested in any contract to be made by said Board for any purposes whatsoever.

6) No contract will be awarded to a University officer or employee or the spouse thereof, or to a firm, partnership, association or corporation the owner or principal owners or major officers or primary employees of which are officers or employees of the University or are the spouses of officers or employees of the University, unless such purchase or contract is deemed essential to University operations and is approved by the President of the University (or designee) and such approval is filed with the purchase order or contract.

7) No contract will be awarded to a member of the immediate family of an officer or employee of the University or to a firm, partnership, association or corporation the owner or principal owners or major officers or primary employees of which are members of the immediate family of officers or employees of the University, unless such purchase or contract is deemed essential to University operations and is approved by the

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President of the University (or designee) and such approval is filed with the purchase order or contract.

e)

Attempt to influence award.

1) No person on a bidders list or who submits a bid shall give or offer to give, directly or indirectly, any money, article or other valuable consideration to any officer or employee of the University for the purpose of influencing said officer or employee of the University.

2) If any person makes or offers to make a gift such as prohibited by this subsection (1) above, all bids submitted by him the bidder will be rejected, and the bidder will may be barred from further bidding for a period of time fixed by the University, not to exceed one year.

f) Collusive bids. If, in the judgment of the University, there is reasonable ground to believe that there is an agreement among bidders, or between them and prospective bidders, to restrain the bidding by establishing a fixed price or any other means, the bids will be rejected, and the bidder and prospective bidders will may be barred from further bidding for a period of time not to exceed one year.

g) Identical bids. Two or more identical bids or indications of collusion in bidding shall be reported to the appropriate State and Federal agencies Illinois Attorney General.

h) Rejection of all bids. The University may reject all bids, and a notice shall be sent to all bidders by means of resolicitation of bids or to low bidder if there is to be no rebidding.

(Source: Amended at Ill. Reg. _____, effective _____)

Section 525.520 Binding Contract with the University

a) Purchase order. After the lowest and best acceptable bid has been determined, accepted by the University, the purchasing official will send the successful bidder a purchase order or a formal contract accepting his bid or both.

b)

Binding on bidder.

1) The University's acceptance of a bidder's offer will create a binding contract covering the following:

A) All the specifications, terms and conditions in the bid information.

B) The provisions of this Part.

C) The bidder's price and terms of payment.

2) The successful bidder must perform in accordance with contract so made, or he the bidder will be liable to the University for any damages.

(Source: Amended at Ill. Reg. _____, effective _____)

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Section 525.530 Supplementary Purchases

Conditions on which permitted.

- a) When the University issues an award after following the above bidding procedure, it may, at any time within sixty ninety days thereafter, issue a second additional purchase orders or contracts to the same contractor or an amendments to the original purchase order or contract for an additional quantity at the same unit price and on the same terms and conditions, if:

- 1) The contractor indicates that the additional purchase orders or contracts will be accepted if issued.
- 2) The market price of the commodities, services or equipment in question has not gone down since the first original purchase.
- 3) The amount of the second or additional purchases is not of such magnitude as to constitute a substantial or material variation of from the first purchase order or original contract.

- b) Notwithstanding the above, no amount of funds, in addition to those provided for in a contract for repairs, maintenance, remodeling, renovation or construction, may be obligated or expended unless the additional work to be performed or materials to be furnished are germane to the original contract. Even if germane to the original contract, no additional expenditures or obligations may, in their total combined amount, be in excess of the percentages of the original contract amount as provided in Section 9.02 of the Illinois Purchasing Act, as amended, unless they have received the prior written approval of the Capital Development Board.

(Source: Amended Ill. Reg. _____, effective _____)

Section 525.540 Negotiation after Award

The University may negotiate a no charge change order with the successful bidder incorporating terms better than originally bid.

(Source: Added at Ill. Reg. _____, effective _____)

SUBPART G: PERFORMANCE BY SUCCESSFUL BIDDER

Section 525.600 Performance and Payment Bond

- a) May be required. The University shall have the right to require that the successful bidder file a Performance Bond or and Payment Bond or both in a designated amount and written by a surety company acceptable to the University. It may be required that the bond(s) be filed within a specified number of days after the award is made, or the contract shall be cancelled and the contractor shall be liable for any damages. Bond costs shall be borne by the successful bidder, unless otherwise stated in the bid solicitation--form information.

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- b) Amount. Such Performance and Payment Bond(s) may be required in any amount up to 100% of the amount of the contract, depending upon the nature of the transaction.
- c) Surety required. In addition to signing the bond(s) as principal, the successful bidder must have the bond(s) signed by a surety company having a rating acceptable to the Purchasing-Official University, and authorized to do business in the State of Illinois. If the surety on writing the bond(s) has its authority to do business in this State revoked or if for any reason it withdraws from doing business in this State, the bidder must promptly obtain another surety on the bond furnish substitute bond(s) written by a surety acceptable to the University.
- d) Condition of bond. The Any such bond shall be conditioned on full performance of all obligations imposed on the bidder by the contract with the University. If The bond(s) shall provide that, if the bidder fails to perform any of such obligations the University may recover from the bidder and the surety (or either of them) any and all damages suffered because of the breach of contract or failure to performance in accordance with the terms of the contract.
- e) Source of supply may also be required to file bond(s). If the bidder does not have a stock of the commodity or equipment in question in the amount asked for required nor facilities to produce the item in such amount, the University may, in addition, require the bidder to have the source of supply file furnish a Performance and or Payment Bond, or both with qualified written by a surety acceptable to the University, conditioned on such source supplying the bidder as stated required in the bid.

(Source: Amended at Ill. Reg. _____, effective _____)

Section 525.610 Insurance Requirements

Contractors making deliveries on the premises of the University may be required to furnish Certificates of Insurance showing policy numbers and coverage dates for Workers' Compensation, General Liability and Automobile Liability Coverages. Contractors furnishing labor and material at any campus site will be required to submit Certificates of Insurance showing policy numbers and coverage dates for General Liability and Contractual Liability holding the University harmless, as well as proof of Workers' Compensation and Automobile Liability Coverages. Liability limits will be specified in the bid information. Insurance companies providing coverage must have a rating acceptable to the Purchasing-Official University.

(Source: Amended at Ill. Reg. _____, effective _____)

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Section 525.620 Deliveries Under the Contract

- a) After award of order. Deliveries shall be made in accordance with the written order of the University or as stated in a the contract at the times and places and in the amounts specified in the bid information and in such order for delivery. Acceptance Receipt of any early or late deliveries shall not constitute a waiver of any of the rights of the University under the contract. Deliveries in advance of before or after the specified date may be made only with the prior approval of the University purchasing official. The University purchasing official may reject unapproved early or late deliveries.
- b) Delivery point. All deliveries shall be made to the point or points specified in the bid information, purchase order or contract and shall be F.O.B. delivered unless otherwise specified in the bid information. If no point is specified, the contractor shall request instruction from the University prior to delivery.
- c) Supporting data. Pertinent data shall be included with all shipments to insure proper identification, receipt, handling, inspection, installation and use of the commodity or equipment.
- d) Routing of shipments. The University purchasing official reserves the right to route all shipments contracted on an F.O.B. shipping point basis.

(Source: Amended at Ill. Reg. _____, effective _____)

Section 525.630 Inspection

- a) All deliveries subject to inspection. Any commodities or equipment that fails to perform in any respect, including failure
 - 1) to meet the specifications,
 - 2) to conform to the vendor's samples or
 - 3) to be in good condition when delivered,
 will be subject to rejection.
- b) Notice to contractor. Notice of any such rejection based on defects that should be disclosed by ordinary methods of inspection will be given to the contractor within a reasonable time after delivery of the item. Notice of latent defects which would make the items unsuitable for the purpose for which they are required may be given by the University purchasing official within a reasonable time after discovery.
- c) Contractor must remove rejected items. The contractor may be required to remove immediately, at its own expense, any items rejected by the University. If the contractor fails to remove the items, the University, at its option, may remove and store the items at contractor's expense or may sell them and remit the proceeds of the sale (less any expenses incurred as a result of default) to the contractor.

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- d) Inspection at source. In some cases, the University may require that the contractor permit preliminary inspection of the commodities or equipment at the factory, plant or other establishment where they are produced or grown.
- e) Other rights of University. Nothing contained herein shall be construed to limit in any way rights the University may have under any law, including the Uniform Commercial Code (Ill. Rev. Stat. 1987, ch. 26, pars. 1-10, et seq.), applicable to any transaction covered by this Part.

(Source: Amended at Ill. Reg. _____, effective _____)

Section 525.640 Assignments by Successful Bidder

Contract nonassignable without approval. Because the responsibility of the individual bidder is an essential element of his the contract with the University, a person to whom such a contract has been awarded may not assign his any interest in the contract, or any funds becoming due to him thereunder, without the prior consent in writing of from the University. Any purported assignment without prior written consent shall be null and void.

(Source: Amended at Ill. Reg. _____, effective _____)

Section 525.650 Cancellation of Contract by the University and Compensation for Damages

- a) Cancellation for breach of contract. In any of the following cases, the University shall have the right to cancel any contract entered into under this Part without prejudice to any other right or remedy the University may have:
 - 1) If the successful bidder fails, within a the time specified, to sign a contract or to furnish required performance or other bonds.
 - 2) If the contractor fails to make delivery at the place or within the time specified.
 - 3) If any commodity or equipment delivered under the contract is rejected, even though the contractor offers to replace the items promptly.
 - 4) If the contractor is guilty of misrepresentation.
 - 5) If the contractor should be is adjudged bankrupt; or, if it should makes a general assignment for the benefit of creditors; or if a receiver should be is appointed on account of its insolvency; or if it should the contractor refuses or should fails, except in cases for which an extension of time is provided, to supply enough properly skilled workmen or proper materials; or if it should the contractor fails to make prompt payment to subcontractors or for material or labor;

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- 8) ~~or--if it the~~ contractor violates any provision of the contract, purchase order or this Part.
- 62) If the contract was obtained by fraud, collusion, conspiracy or other unlawful means.
- 710) If the contract conflicts with any statutory or constitutional provision of the State of Illinois or of the United States.
- b) Withholding monies to compensate University for damages. If there is a breach of contract or if a contract is cancelled, the University may deduct from a bid deposit or from whatever is owed the contractor on that or any other contract an amount sufficient to compensate the University for any damages suffered by it because of the contractor's breach of contract or other failure on its part, without prejudice to any other right or remedy the University may have.
- c) Damages. The damages for which the University may be compensated as provided in paragraph (b) above or by a suit on the contractor's performance bond or by other legal remedy shall include among others:
- 1) The additional cost of commodities or equipment bought elsewhere.
 - 2) The additional cost of completing the work called for under the contract.
 - 3) Cost of repeating the bidding procedure.
 - 4) Any expenses incurred because of delay in receipt of commodities or equipment, or any expenses incurred because of delays in completion of construction, renovation or rehabilitation work.
 - 5) Any other damages caused by the breach of contract or other failure by the contractor including but not limited to loss of income and consequential damages.

(Source: Amended at Ill. Reg. _____, effective _____)

Section 525.660 Submission of Invoice-Vouchers for Purchases Billing Procedures

- a) Invoice-voucher form furnished by University in connection with purchases Billing Documents. To bill the University in connection with a purchase, the contractor may be required to fill out the University's invoice-voucher form provided by the University. At the time the contractor delivers the commodities or equipment, the contractor should submit copies as directed on the invoice-voucher. The contractor will receive a copy for his files as indicated on the invoice-voucher. Otherwise, the contractor should submit invoices as specified on the purchase order or contract.
- b) Detailed description of commodities or equipment. The invoice or invoice-voucher should give a complete and detailed description of the commodities or equipment delivered.

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- c) Partial payments. If more than one shipment is required under a purchase order or agreement contract, the University may, but shall not be required to, make partial payment of the contract price as it receives the contractor's invoice or invoice-vouchers relating to the separate deliveries.
- d) Computation of cash discounts. If the contractor allows a cash discount, the period of time in which the University must make payment to qualify for the discounts will be computed from the date the University
- 1) receives the invoice or invoice-voucher (correctly filled out) or
 - 2) receives and accepts the commodities or equipment, whichever is later. In addition, if any commodity or equipment is rejected, all time from mailing of the notice of rejection to the acceptance of items delivered shall be excluded from the discount period.

(Source: Amended at Ill. Reg. _____, effective _____)

Section 525.670 Construction Contracts

- a) General procedures.
- 1) In the case of contracts for construction of buildings or for other construction work in or about buildings or grounds where the entire estimated cost of such work exceeds \$25,000 (or such larger amount as may be specified by law), all prospective bidders, as well as architects and engineers employed in connection with such projects, shall be prequalified to determine their responsibility. If the total estimated cost of such work is \$100,000.00 or more, separate specifications will be prepared for all equipment, labor and materials in connection with the following four five subdivisions of work to be performed:
 - A) Plumbing.
 - B) Heating, piping, refrigeration and automatic temperature control systems, including the testing and balancing of such systems.
 - C) Ventilating and distribution systems for conditioned air, including the testing and balancing of such systems.
 - D) Electrical wiring.
 - E) General Contract Work
 - 2) Those specifications will be drawn so as to permit separate and independent bidding upon each of the above four five subdivisions of work. All contracts awarded for any part thereof shall award the four subdivisions of such work separately to responsible and reliable persons, firms or corporations engaged in these classes of work. Such contracts, at the discretion of the awarding authority University, may be assigned to the successful bidder on the general contract work

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or to the successful bidder on the subdivision of work designated by the University prior to bidding as the prime subdivision of work, with the provision that all payments will be made directly to the contractors for the four five subdivisions of such work upon compliance with the conditions of the contract. Any contract may be let for one or more buildings in any project to the same contractor. Specifications shall require, however, that unless the buildings are identical, a separate price shall be submitted for each building. The contract may be awarded to the lowest responsible bidder for each or all of the buildings included in the specifications.

- b) Request for payment form furnished by University. To bill the University for remodeling, renovation or construction work done, the contractor must fill out the University Request for Payment form, when required.
- c) Certification by licensed architect or engineer. Any contract or remodeling, renovation or construction involving an expenditure in excess of \$5,000 shall be subject to the supervision of a licensed architect or engineer, and no payment shall be paid for such remodeling, renovation or construction unless the voucher for such work is accompanied by a written certificate of such licensed architect or engineer that the payment represents work satisfactorily completed, or labor, or materials incorporated in or stored at the site of such work.
- d) Periodic payments. When provided in the contract, periodic payments can be made during the course of such work upon a certificate of a licensed architect or engineer, indicating the proportionate amount of the total work completed satisfactorily.
- e) Retained percentage. When periodic payments are made, the University shall retain a fixed percentage, specified in the contract, to insure faithful completion of the contract.
- f) Improvements to leased real estate. The procedures set forth in this Part shall apply, as appropriate, to contracts for improvements to real estate leased to the University.

(Source: Amended at Ill. Reg. _____, effective _____)

SUBPART H: OTHER PROCEDURES

Section 525.700 When This Procedure may be Waived by Purchasing Official Bidding not Required

Exemptions: In the following cases, the University may issue a purchase order directly without following the procedure described above relating to bids, advertisements for bids and invitation to bid:

- a) Where the goods or services to be procured are economically procurable from only one source, such as contracts for local

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exchange telephone service, electrical energy and other public utility services, books, pamphlets and periodicals and specially designed business and research equipment and related supplies. Such items are examples of single source items and are not intended to be an exhaustive listing.

- b) Where the services required are for professional or artistic skills.
- c) In emergencies involving public health, public safety, or where immediate expenditure is necessary for repairs to University property in order to protect against further loss of or damage to University property, to prevent or minimize serious disruption in University services or to insure the integrity of University records.
- d) In case of expenditures for personal services paid to employees or offices of a state agency.
- e) Contracts for repairs, maintenance, remodeling, renovation or construction of a single project involving an expenditure not to exceed \$10,000 and not involving a change or increase in the size, type or extent of an existing facility, provided that, where an expenditure of more than \$5,000 but not exceeding \$10,000 is involved, the work shall be advertised for bids in a local newspaper in an effort to obtain competitive bids based on a standard specification acceptable to the University; such contract shall be awarded to the lowest responsible bidder considering conformity with specifications, terms of delivery, quality and serviceability.
- f) Contracts for repairs, maintenance or any other services not specifically exempt from bidding where expenditures for such services do not exceed \$5,000 for the same type of service at the same location for the University during any fiscal year, provided that, where a University occupies more than one location within any single county, the \$5,000 limitation shall apply in the aggregate to all locations within such county.
- g) Purchase of office supplies, materials, commodities and equipment where individual orders are less than \$5,000.
- h) Where a contract for maintenance, or servicing of, or provision of repair parts for equipment is made with the manufacturer or authorized service agent of that equipment and where such maintenance and servicing or provision of parts can best be performed by the manufacturer or authorized services agent, or such contract would otherwise be advantageous to the State; but this exemption does not apply to the fear-following five subdivisions of work applicable to construction contracts estimated at more than \$25,000, --viz: --plumbing; --heating; --piping; --refrigeration --and automatic temperature-control systems; --ventilating-and-distribution systems-for conditioned-air;--and electrical-wiring listed in Section 525.670 of this Part.
- i) Where the goods or services are procured from another governmental agency. (This allows procurement from federal, state and local governmental units.)

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- j) Purchases and contracts for the use, purchase, delivery, movement or installation of data processing equipment and data-processing systems software or services and telecommunications and interconnect equipment, software and services.
- k) Any contract for duplicating machines and supplies.
- l) Any contract for the purchase of natural gas when the cost is less than that offered by a public utility.
- m) Where court order or federal law, regulation or procurement practice prohibits or effectively prevents acquisition of the goods or services by bidding.
- kn) Other procedures may be followed circumstances where permitted by law.
- o) Where the products and services are procured from any qualified not-for profit agency for the severely handicapped which (a) complies with Illinois laws governing private not-for-profit organizations, (b) is certified as a sheltered workshop by the Wage and Hour Division of the United States Department of Labor and (c) meets the Illinois Department of Rehabilitation Services just standards for rehabilitation facilities.
- p) Purchases of and contracts for office equipment and associated supplies when such contracts provide for prices that are equal to or lower than Federal General Services Administration contracts and when such contracts or pricing result in economical advantage to the University.

(Source: Amended at Ill. Reg. _____ effective _____)

Section 525.710 Rights-to Procedures for Appeal

A decision of a Purchasing Official shall be final unless a subsequent written appeal is made promptly. Any decision rendered by a Purchasing Official pursuant to this Part may be appealed by filing a written statement setting forth all the facts and circumstances together with the basis for making such appeal with the chief business officer at each the University.

(Source: Amended at Ill. Reg. _____ effective _____)

Section 525.720 Approval of Solicitations for Sale to the University

Solicitors, canvassers and agents of every description are prohibited from canvassing on University property or in University buildings, except on official University business. All such solicitors, canvassers and agents persons are prohibited from making sales, research inquiries or solicitations of any kind shall be permitted on the University campus property or in University buildings at the pleasure of the University unless approved by: --All solicitations must be cleared through the purchasing official or other appropriate University official.

(Source: Amended at Ill. Reg. _____ effective _____)

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- 1) Heading of the Part: Procurement from Minority and Female Owned Business Enterprises.
- 2) Code Citation: 44 Ill. Adm. Code 526
- 3) Section Numbers:
 526.10 New Section
 526.20 New Section
 526.30 New Section
 526.40 New Section
 526.50 New Section
 526.60 New Section
 526.70 New Section
- 4) Statutory Authority: Ill Rev. Stat. 1987, ch. 127, par. 132.600 et. seq.
- 5) A Complete Description of the Subjects and Issues Involved: These rules: a) establish a goal of awarding to minority and female owned businesses at least 10% of the dollar amount of State contracts executed by the Board of Regents; b) authorize the Vice Chancellor for Administrative Affairs to create sheltered markets for minority and female business enterprises by setting aside some contracts and making them available only to minority and female owned businesses; c) also authorize the Vice Chancellor to withdraw contracts from the sheltered market if necessary to avoid payment of unreasonable prices; d) establish procedures to be followed in attaining the goal; e) establish procedures regarding the certification of firms as minority and female business enterprises; and f) establish penalties for violation of these rules and the Minority and Female Business Enterprise Act.

6) Will these proposed amendments replace emergency rules currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Do these proposed amendments contain incorporations by reference? Yes.

9) Are there any proposed amendments pending on this Part? No.

0) Statement of Statewide Policy Objectives: These rules help implement the Minority and Female Business Enterprise Act which establishes a goal of awarding to minority and female owned businesses at least 10% of the total dollar amount of State contracts and authorizes the establishment of sheltered markets for minority and female owned businesses.

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- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons who desire to comment on this proposed rulemaking may submit their comments in writing no later than 45 days after publication of this Notice to:

Mr. Richard J. Coffee, II, Legal Counsel
Chancellor's Office
Board of Regents
One West Old State Capitol Plaza
Springfield, IL 62701

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: January 20, 1988
- B) Types of small businesses affected: These rules will affect a wide variety of small businesses which seek to enter into State contracts with the Board of Regents.
- C) Reporting, bookkeeping or other procedures required for compliance: Simple forms and procedures for acceptance of a firm as a minority or female owned business; simple procedures to locate subcontractors who are minority or female owned businesses.
- D) Types of professional skills necessary for compliance. None

The full text of the Proposed Rules begins on the next page:

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NOTICE OF PROPOSED RULES

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENTS AND PROPERTY MANAGEMENT

SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES

CHAPTER II: BOARD OF REGENTS

PART 526

PROCUREMENT FROM MINORITY AND FEMALE OWNED BUSINESS ENTERPRISES

Section	Purpose
526.10	Definitions
526.20	Goal
526.30	Sheltered Markets
526.40	Subcontracting
526.50	Certification Minority and Female Owned Businesses
526.60	Penalty to Vendor
526.70	

AUTHORITY: Minority and Female Business Enterprise Act (Ill. Rev. Stat. 1987, ch. 127, par. 132.600 et seq.).

SOURCE: Adopted at 13 Ill. Reg. _____, effective _____.

Section 526.10 Purpose

The Minority and Female Business Enterprises Act (Ill. Rev. Stat. 1987, ch. 127, par. 132.600 et seq.) establishes a goal of awarding to minority and female-owned businesses at least 10% of the total dollar amount of qualifying contracts and authorizes the establishment of sheltered markets for minority and female-owned businesses. The Board of Regents shall make procurements from Minority and Female Business Enterprises in accordance with this Part and with 44 Ill. Adm. Code 525.

Section 526.20 Definitions

"Act" shall mean the Minority and Female Business Enterprise Act, as amended.

"Bid" shall mean an offer to contract with the Board.

"Bidder" shall mean any person who submits a bid for a contract with the Board.

"Board" shall mean the Board of Regents or its authorized representative which issues bid information relating to a particular transaction.

"Council" shall mean the Minority and Female Business Enterprise Council created by the Act.

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"Person" shall mean any individual, firm, partnership, corporation, association or other entity.

"Qualifying Contracts" shall mean contracts funded exclusively with State Appropriated Funds and not otherwise exempted by the Council.

"Vendor" shall mean any person who contracts with the Board for the sale of goods or services to the Board.

"Vice Chancellor" shall mean the Vice Chancellor for Administrative Affairs or a designee of the Vice Chancellor.

Section 526.30 Goal

The goal of the Board is to award to minority and female owned businesses contracts totaling at least 10% of the dollar value of its qualifying contracts measured on a full fiscal year basis. Contracts representing at least 50% of the dollar value associated with the established goal shall be awarded to female-owned businesses.

Section 526.40 Sheltered Markets

- a) The Vice Chancellor for Administrative Affairs is authorized to limit prospective vendors to minority and/or female owned businesses or to require that vendors utilize minority or female owned subcontractors for certain categories of contracts or for specific contracts. When a sheltered market set-aside is made the advertisement and/or bid document, if applicable, shall clearly state that the contract is available for only minority and/or female owned business. Sheltered market set-asides may be effective for such period of time and for such number of contracts as the Vice Chancellor determines is necessary to reach the goal established in Section 526.30.

- b) Sheltered market set-asides may be used by the Vice Chancellor as the primary means of meeting the contracting goal upon determination that the goal will not otherwise be met.

- c) If the Vice Chancellor determines that acceptance of the set-aside bid will result in payment of an unreasonable price, the bid shall be rejected. The Vice Chancellor may then withdraw the set-aside designation or rebid the particular procurement. When a set-aside bid is rejected, each bidder shall be notified of the reason for rejection of the bid.

- d) The Vice Chancellor shall consider reducing or eliminating bond requirements for set-aside bids when allowed by law and when the reduced bond amount would adequately protect the Board's interests.

- e) The Vice Chancellor may consider use of progress or advance payments for set-aside bids. Advance payments must comply with Section 9.05 of "AN ACT in relation to State finance" (Ill. Rev. Stat. 1987, ch. 127, par. 145f).

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- f) Minority and female owned businesses which participate in sheltered markets must qualify for certification under the Act prior to the award of the contract. Failure to qualify for certification will result in rejection of the bid.
- g) Any contract awarded under a set-aside shall not be assigned to another vendor without permission of the Vice Chancellor.
- h) If, during contract performance, a vendor who received a contract under the set-aside ceases to qualify as a minority or female owned business or fails to provide requested proof of minority or female status, the Vice Chancellor may cancel the contract immediately without penalty to the Board. In determining whether the set-aside contract is to be cancelled, the Vice Chancellor shall consider the cost of utilizing another vendor, the availability of another vendor, delivery time and other appropriate factors.

Section 526.50 Subcontracting

- a) The Board may require that vendors agree to subcontract with minority or female owned business.
- b) The Board shall not require that a vendor enter into subcontracts with minority and female owned business when subcontracting is not necessary for the vendor to perform.
- c) When minority or female owned subcontractors are required, the bidder may be required to designate them by name and anticipated expenditure as a part of the bid. Alternatively the bidder may be required to make a commitment in the bid to hire minority and female businesses as subcontractors and identify the subcontractors at a later date.
- d) If a vendor cannot locate minority or female owned subcontractors willing to subcontract or if a designated minority or female owned subcontractor is later unable or unwilling to perform, the Vice Chancellor may excuse the vendor from having to comply with the requirement if the vendor has made a good faith effort to locate or replace the required minority or female owned subcontractor. A good faith effort shall, at a minimum, consist of the following:
- 1) contacting the Board and the Minority and Female Business Enterprise Division of the Department of Central Management Services (Division) at least 15 days prior to the need for the subcontractor and requesting referrals of certified vendors.
 - 2) advertising in the official State Newspaper or a local newspaper as time permits.
 - 3) contacting appropriate organizations such as unions, contractor associations, and minority or female oriented organizations.
- e) Any vendor claiming good faith relief must fully document the steps taken to obtain minority and female owned subcontractors. The Board

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may require additional information if the submittal does not meet the criteria stated above.

- f) If a vendor obtains a contract requiring hiring of minority and female owned subcontractors and fails to do so and does not qualify for a good faith exception, the Vice Chancellor may cancel the contract. If the contract is cancelled, the vendor shall be liable for any damages the Board may suffer because of the cancellation and need to find a substitute vendor.

Section 526.60 Certification of Minority and Female Owned Business

- a) A person is certified if accepted as a minority or female business by the Council or by other entities approved by the Board or by the Council.
- b) A person shall be certified by the Board upon submittal to the Board of a complete and accurate Bidder's Application Form which establishes that the person is a minority or female owned business as defined by the Act.
- c) Certification by the Board is valid until revoked by the Board for failure to comply with the program eligibility requirements of the Minority and Female Business Enterprise Act. Vendors who cease to qualify as minority or female owned businesses shall promptly report that change of status to the Board.
- d) Notification of Denial or Revocation. When the Board determines that a bidder, vendor or sub-contractor does not meet the requirements for certification, the bidder, vendor or sub-contractor shall be notified by certified mail of the denial or revocation, the rationale for the decision and the process for appeal. Within 30 days after the person has received the letter of denial or revocation. The person may submit a letter of appeal to the Vice Chancellor with reasons why the decision for denial or revocation should be reversed. The Vice Chancellor shall respond to the appeal in writing. The decision of the Vice Chancellor shall be the final decision of the Board.

Section 526.70 Penalty to Vendor

The following penalties may be assessed in accordance with the Minority and Female Business Enterprise Act.

- a) Failure to supply proof or additional proof of status requested by the Board when claiming minority or female owned business status shall result in suspension from participating in sheltered market programs for a period of one year.
- b) Submission of false information concerning minority or female owned business certification shall result in prohibition from Board contracts for one year.
- c) Acceptance of a sheltered market contract under false assertion of minority or female owned business status shall result in termination

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- d) of the contract, a penalty equal to any profit acquired as a result of the contract and prohibition from Board contracts for one year. Notification of Violation. When the Board believes that a bidder, vendor or sub-contractor has committed a violation, the bidder, vendor or sub-contractor shall be notified by certified mail of the alleged violation and the process for contesting the violation. Within 30 days after the person has received the letter of violation, the person may submit a letter to the Vice Chancellor.

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1) Heading of the Part: Issuance of Licenses

2) Code Citation: 92 Ill. Adm. Code 1030

3) Section Number

1030.88

Proposed Action

Amendment

4) Statutory Authority: Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 2-104(b)) and Sections 6-104 and 6-109 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 6-104 and 6-109).

5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking establishes the criteria for exempting an applicant for a class "M" or class "L" driver's license from a facility-administered drive test.

6) Will this proposed rule replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed rule contain incorporations by reference? No.

9) Are there any amendments pending on the Part? Yes.

<u>Section Number</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
1030.86	New Section	12 Ill. Reg. 17275 (October 28, 1988)
1030.70	Amendment	12 Ill. Reg. 20768 (December 16, 1988)

10) Statement of Statewide Policy Objectives: This rulemaking will have no effect on local units of government.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Secretary of State will fully consider all comments received within 45 days of the date that this notice is published. All comments must be in writing and should be sent to:

Carolyn M. Taft
Assistant Counsel to the Secretary
2701 South Dirksen Parkway
Springfield, IL 62723
Tel: 217/782-5356

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12) Initial Regulatory Flexibility Analysis: After careful consideration, the Secretary of State does not feel this proposed rulemaking will affect any types of small businesses and the proposed rulemaking has not been submitted to the Small Business Office of the Department of Commerce and Community Affairs.

The full text of the proposed rule begins on the next page:

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TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1030
ISSUANCE OF LICENSES

- Section
- 1030.10 What Persons Shall Not be Licensed or Granted Permits
- 1030.15 Cite for Re-Examination
- 1030.20 Classification of Drivers-References
- 1030.30 Classification Standards
- 1030.40 Fifth Wheel Equipped Trucks
- 1030.50 Bus Driver's Authority, Religious Organization
- 1030.55 Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
- 1030.60 Employer Certification Program
- 1030.63 Religious Exemption for Social Security Numbers
- 1030.65 Instruction Permits
- 1030.70 Driver's License Testing/Vision Screening
- 1030.75 Driver's License Testing/Vision Screening with Vision Aid Arrangements Other than Standard Eye Glasses or Contact Lens(es)
- 1030.80 Driver's License Testing/Written Test
- 1030.84 Vehicle Inspection
- 1030.85 Driver's License Testing/Road Test
- 1030.88 Exemption of Facility Administered Road Test
- 1030.89 Temporary Licenses
- 1030.90 Requirements for Photograph and Signature of Licensee on Driver's License
- 1030.92 Restrictions
- 1030.93 Restricted Local Licenses
- 1030.94 Duplicate or Corrected Driver's License or Permit
- 1030.95 Diplomatic and Consular Licenses
- 1030.100 Anatomical Gift Donor
- 1030.110 Emergency Medical Information Card
- 1030.115 Change-of-Address
- 1030.120 Issuance of a Probationary License
- 1030.130 Grounds for Cancellation of a Probationary License

AUTHORITY: Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 6-100 et seq.) and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 2-104).

SOURCE: Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1989; amended at 10 Ill. Reg. 18182.

effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 3, 1987; amended at 12 Ill. Reg. 3027, effective January 13, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. _____, effective _____.

Section 1030.88 Exemption of Facility Administered Road Test

- a) The Secretary of State shall adopt the following definitions for the terms listed as follows:

"Approved dDriver eEducation eCourse" - Aa course of instruction in the use and operation of cars, including instruction in the safe operation of cars, and rules of the road and the law of this State relating to motor vehicles, which meets the minimum requirements of the Driver Education Act (Ill. Rev. Stat. 19857, ch. 122, par. 27-24 et seq.) and the rules adopted by the State Board of Education and has been approved by the State Board of Education as meeting such requirements.

"Cooperative Driver Testing Program" - Aa program offered by the Secretary of State Department to local school boards with accredited driver education courses, allowing students who receive a grade of A or B in the driver education course and who pass a road test administered by a Department certified high school driver education instructor to be exempted from a road test administered by the Department.

"Department" - Department of Driver Services within the Office of the Secretary of State.

"Facility-Administered eRoad eTest" - Aan actual demonstration of the driver's license applicant's ability to exercise ordinary and reasonable control of the operation of a motor vehicle administered by a Driver Services Facility an employee of the Field Services Division, Department of Driver Services of the Office of the Secretary of State.

"High eSchool eStudent" - Oone who attends a public or private secondary school accredited by the Illinois State Board of Education.

"Instruction Permit" - Ppermit to operate a motor vehicle, issued for a period of twelve months by the Secretary of State to a student enrolled in a driver education course.

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"Motor Driven Cycle" - Every motorcycle and every motor scooter with less than 150 cubic centimeter piston displacement including motorized pedalcycles as defined in Section 1-148 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 1-148).

"Motorcycle" - every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than 3 wheels in contact with the ground, but excluding a tractor as defined in Section 1-147 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 1-147).

"Motorcycle Rider Safety Training Course" - course of instruction in the use and operation of motorcycles and/or motor driven cycles, including instruction in the safe on-road operation of motorcycles and/or motor driven cycles, the rules of the road and the laws of this State relating to motor vehicles, which course must meet the requirements set out in 92 Ill. Adm. Code 455.101 et seq.

"Secretary of State" - the Secretary of State of Illinois.

- b) The Secretary of State Department shall exempt a high school student from a facility-administered road test if the student has earned a grade of A or B for an approved high school driver education course, passed a road test administered by a Department certified high school driver education instructor, and has received an authorization form signed by the driver education instructor exempting the student from the facility-administered road test.
- c) Commercial driving driver training schools licensed pursuant to the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-401) shall not be allowed to participate in the cooperative driver testing program.
- d) Each local board of education which desires to participate in the cooperative driver testing program must submit an application to the Field Services Division Bureau, Department of Driver Services of the Secretary of State's Office, 2701 S. Dirksen Parkway, Springfield, Illinois 62723. The application shall consist of the "Cooperative Driver Testing Program Intent to Participate" form and also a "Compliance Affidavit" for each participating driver education instructor. The application shall include the name and address of the high school and the names of the driver education instructors who will participate in the program. The application shall also include a statement that the schools and instructors listed for participation in the program shall administer a road test. The application shall be submitted once per calendar year. The Secretary of State Department shall accept all "Intent to Participate" forms that are accurate and

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complete and signed by the district superintendent. The Secretary of State Department shall accept all "Compliance Affidavits" which are accurate and complete and which show compliance with Section 1030.88(f).

- e) Each instructor shall submit a compliance affidavit which shows that the instructor is an accredited driver education teacher with the Illinois State Board of Education pursuant to 23 Ill. Adm. Code 1.730(q), possess a valid Illinois driver's license, and has attended an initial certification clinic offered by the Secretary of State.
- f) The exemption from the facility examination will expire on the same day as the student's current instruction permit. The student shall be required to obtain a valid driver's license prior to the expiration date of the permit in accordance with the program. After the expiration date, the student shall complete a facility-administered road test. No extension of the exemption beyond the expiration date of the instruction permit shall be allowed.
- g) The Secretary of State Department shall spot check a sample of the exempted driver population. The Field Services Division Bureau of the Department of Driver Services of the Secretary of State's office shall choose the sample to be tested based on the applicant's birthday. Three calendar days per month shall be designated for the testing, and an applicant whose birthday is on one of the selected days shall be required to successfully complete a facility-administered drive test. The selected dates shall be altered every three months.
- h) The exemption authorization form shall be designated in a manner prescribed by the Secretary of State Department. The student shall submit the authorization form to a field Driver Services Facility employee of the Secretary of State Department when applying for a driver's license.
- i) The Department may exempt an applicant for a class "M" or class "L" driver's license as provided in Section 1030.30 of this Part, which allows for the operation of a motorcycle and/or motor driven cycle, from a facility-administered road test if all of the following circumstances are met:
 - 1) the applicant is 18 years of age or older;
 - 2) the applicant possesses a valid Illinois driver's license to operate any other classification of motor vehicle; and,

NOTICE OF PROPOSED AMENDMENTS

- 3) the applicant shows proof acceptable to the Department that he/she has successfully completed a Motorcycle Rider Safety Training Course approved by the Illinois Department of Transportation and the Department which states that he/she is qualified to operate a motorcycle and/or motor driven cycle with the cubic centimeter piston displacement which correlates to the classification of driver's license applied for.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of Part: Vending Machines in Rest Areas
- 2) Code Citation: 92 Ill. Adm. Code 534
- 3) Section Numbers:
534.20
Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 121, par. 9-113.1
- 5) A complete description of the subjects and issues involved:

When this Part was first promulgated, the Department, at the suggestion of the staff of the Joint Committee on Administrative Rules (JCAR), agreed to change the definition of "Private Contractor" by inserting a reference to the Department of Rehabilitation Services rules entitled "Vending Stand Program for the Blind; 89 Ill. Adm. Code 650."

Subsequent to the Department's filing of Part 534, the Department received a letter from the Executive Director of JCAR stating that, in adding this language to the definition of "Private Contractor," the change had been made in violation of Section 5.01(b) of the I.A.P.A.. Evidence of the agreement between the JCAR staff and the Department appears to be missing from the JCAR file.

Accordingly, the Department is proposing to delete the language "in accordance with the Part entitled "Vending Stand Program for the Blind; 89 Ill. Adm. Code 650" in Section 534.20, "Private Contractor" in response to the above-mentioned letter from the Joint Committee on Administrative Rules.

- 6) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: Rules do not affect units of local government.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:
- Any interested party may submit written comments or arguments concerning this proposed rule. Written submissions shall be filed with:

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

Mr. James W. Shay
Engineer of Maintenance
Department of Transportation
Division of Highways
2300 South Dirksen Parkway, Room 009
Springfield, Illinois 62764
(217) 782-2984

Comments received within thirty days of the date of publication of this Illinois Register will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to D.C.C.A.: February 15, 1989
B) Types of small businesses affected: Rules do not affect small businesses.

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER f: HIGHWAYS

PART 534

VENDING MACHINES IN REST AREAS

SUBPART A: PLACEMENT OF VENDING MACHINES IN REST AREAS

Section
534.10 Purpose
534.20 Definitions
534.30 Responsibilities

SUBPART B: APPLICATION

Section
534.110 Application

SUBPART C: ADMINISTRATION

Section
534.210 IDOT-IDORS Responsibilities

AUTHORITY: Implementing and authorized by Section 9-113.1 of the Illinois Highway Code (Ill. Rev. Stat. 1987, ch. 121, par. 9-113.1).

SOURCE: Adopted at 12 Ill. Reg. 12884, effective July 21, 1988; amended at 13 Ill. Reg. 1866, effective January 27, 1989; amended at 13 Ill. Reg. _____, effective _____.

NOTE: Capitalization denotes statutory language.

SUBPART A: PLACEMENT OF VENDING MACHINES IN REST AREAS

Section 534.20 Definitions

"IDORS" - Illinois Department of Rehabilitation Services.

"IDOT" - Illinois Department of Transportation.

"Private Contractor" - a firm or person who has contracted with IDORS to operate and maintain vending machines at sites where a blind vendor is not located. ~~in accordance with the Part entitled "Vending Stand-Program-for-the-Blind, 89-111-Adm-Code-650."~~

"Vending Machine" - a coin or currency operated machine capable of automatically dispensing an article or product.

DEPARTMENT OF TRANSPORTATION

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"Vending Machine Facilities" - buildings which house vending machines.

"Vendor" - a blind vendor who has been licensed by the IDORS in accordance with the rules entitled 'Vending Stand Program for the Blind', 89 Ill. Adm. Code 650 pursuant to the Federal Randolph-Sheppard Vending Stand Act of June 20, 1936 (49 Stat. 1559, Title 20, Sections 107-107F) (20 U.S.C.A. 107 et seq.).

(Source: Amended at 13 Ill. Reg. _____, effective _____)

BOARD OF TRUSTEES OF SOUTHERN ILLINOIS UNIVERSITY

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Joint Rules of the Board of Regents, the Board of Governors of State Colleges and Universities, the Board of Trustees of the University of Illinois, and the Board of Trustees of Southern Illinois University: Procurement and Bidding
- 2) Code Citation: 44 Ill. Adm. Code 540
- 3) Section Numbers: Proposed Action:
Not Applicable Not Applicable
- 4) Statutory Authority: Implementing and authorized by the Illinois Purchasing Act (Ill. Rev. Stat. 1987, ch. 127, pars. 132.1 et seq.).
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendments make editorial changes, clarify existing procedures, conform the rules to changes in the applicable laws and simplify the text of the Rules.
- 6) Will these proposed amendments replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Do these proposed amendments contain incorporations by reference? Yes.
- 9) Are there any proposed amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act (Ill. Rev. Stat. 1987, ch. 85, par. 2203).
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after this edition of the Illinois Register to the following:

Mr. Richard J. Coffee, II, Staff Counsel
Board of Regents
One West Old State Capitol Plaza
Springfield, IL 62701
- 12) Initial Regulatory Flexibility Analysis:
 - A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: December 20, 1988
 - B) Types of small businesses affected: Business which bid or seek to bid on university contracts.

BOARD OF TRUSTEES OF SOUTHERN ILLINOIS UNIVERSITY

NOTICE OF PROPOSED AMENDMENTS

- C) Reporting, bookkeeping or other procedures required for compliance: These amendments do not require any additional procedures for compliance.
- D) Types of professional skills necessary for compliance. These amendments do not require any additional skills of vendors for compliance.

The full text of the Proposed Amendments is published with the submission of the Board of Regents on page 2709 of this Register.

BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Joint Rules of the Board of Regents, the Board of Governors of State Colleges and Universities, the Board of Trustees of the University of Illinois, and the Board of Trustees of Southern Illinois University: Procurement and Bidding

2) Code Citation: 44 Ill. Adm. Code 535

3) Section Numbers: Proposed Action:
Not Applicable Not Applicable

4) Statutory Authority: Implementing and authorized by the Illinois Purchasing Act (Ill. Rev. Stat. 1987, ch. 127, pars. 132.1 et seq.).

5) A Complete Description of the Subjects and Issues Involved: The proposed amendments make editorial changes, clarify existing procedures, conform the rules to changes in the applicable laws and simplify the text of the Rules.

6) Will these proposed amendments replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Do these proposed amendments contain incorporations by reference? Yes.

9) Are there any proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act (Ill. Rev. Stat. 1987, ch. 85, par. 2203).

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after this edition of the Illinois Register to the following:

Mr. Richard J. Coffee, II, Staff Counsel
Board of Regents
One West Old State Capitol Plaza
Springfield, IL 62701

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: December 20, 1988

B) Types of small businesses affected: Business which bid or seek to bid on university contracts.

NOTICE OF PROPOSED AMENDMENTS

- C) Reporting, bookkeeping or other procedures required for compliance. These amendments do not require any additional procedures for compliance.
- D) Types of professional skills necessary for compliance. These amendments do not require any additional skills of vendors for compliance.

The full text of the Proposed Amendments is published with the submission of the Board of Regents on page 2709 of this Register.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part:

Asbestos Abatement for Public and Private Schools in Illinois

2) Code Citation:

77 Ill. Adm. Code 855

3) Section Numbers:

855.10	Amendments	Adopted Action:
855.20	Amendments	
855.50	Amendments	
855.55	New Section	
855.60	Amendments	
855.70	Amendments	
855.80	Amendments	
855.130	Amendments	
855.140	Amendments	
855.180	Amendments	
855.220	Amendments	
855.240	Amendments	
855.260	Amendments	
855.270	Amendments	
855.275	New Section	
855.280	Amendments	
855.290	Amendments	
855.300	Amendments	
855.330	New Section	
855.340	New Section	
855.345	New Section	
855.350	New Section	
855.355	New Section	
855.360	Amendments	
Appendix A, Illustration B	New Section	
Appendix B, Illustration A	New Section	
Appendix B, Illustration B	New Section	
Appendix B, Illustration C	New Section	
Appendix B, Illustration D	New Section	
Appendix B, Illustration E	New Section	
Appendix B, Illustration F	New Section	
Appendix B, Illustration G	New Section	
Appendix B, Illustration H	New Section	
Appendix B, Illustration I	New Section	
Appendix C, Illustration A	New Section	
Appendix C, Illustration B	New Section	
Appendix C, Illustration C	New Section	
Appendix C, Illustration D	New Section	
Appendix C, Illustration E	New Section	

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section Numbers:Adopted Action:

Appendix C, Illustration F

New Section

4) Statutory Authority:

Asbestos Abatement Act

Ill. Rev. Stat. 1987, ch. 122, par. 1401 et seq.

5) Effective Date of Rules:

February 16, 1989

6) Does this Rulemaking Contain an Automatic Repeal Date? Yes ☐ No ☒

If "yes", please specify date:

7) Does this Rulemaking Contain Any Incorporations by Reference? Yes ☒ No ☐If "yes," please specify type: 6.02(a) ☒ or 6.02(b) ☐If "6.02(b)," was a copy of the approval form issued by the Joint Committee attached to this rulemaking? Yes ☐ No ☐8) Date Filed in Agency's Principal Office:

February 10, 1989

9) Date Notice(s) of Proposal was Published in Illinois Register:

April 8, 1988 - 12 Ill. Reg. 6564

10) Has the Joint Committee on Administrative Rules issued a Statement of Objections to this/these Rules? Yes ☐ No ☒

If "yes," please complete the following:

A) Statement of Objection: ☐ Ill. Reg. ☐B) Agency Response: ☐ Ill. Reg. ☐C) Date Agency Response Submitted for Approval to the Joint Committee:11) Difference Between Proposal and Final Version:

The following changes were made in response to comments received during the first notice or public comment period:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

In Section 855.20 definition of "Asbestos Material Manager", the Department will delete the following: "This individual shall be licensed as an asbestos worker."

In Section 855.20 definition of "Air Sampling Professional", the Department will add the following after the word "Dust": "or a course equivalent in length and content."

In Section 855.260(b)(1), the Department will add after the word "Dust" the following: "or a course equivalent in length and content."

In Section 855.260(c)(1), the Department will add "Asbestos Analyst Registry (AAR)" between "(PAT)" and "program."

In Section 855.360(c)(3) add the following:

"Certified Industrial Hygienists may act as an asbestos project designers when a project design only applies to interior alternations of surface materials in an existing building which does not involve structural changes or changes to the electrical, heating, air conditioning, physical plant or associated piping. The project designer shall certify that the project, design meets or exceeds all Federal, State, Local regulations and codes."

The following changes were made in response to comments and suggestions of the Joint Committee on Administrative Rules:

In Section 855.20 definition of "Air Sampling Professional", the Department will make the following modifications:

Delete the following after the word "Engineering":

" , one year of experience in Industrial Hygiene, "

Insert the following after the word "and":

"three months of experience in general indoor air pollution sampling; or an individual without a degree shall have twelve months of experience in air sampling for asbestos on abatement projects. Both" and

Delete the following after the word "Dust.":

"or shall have three months experience conducting air sampling for asbestos."

In Section 855.20 definition of "Air Sampling Professional", the Department will add the following after the word "Dust": "or a course equivalent in length and content."

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

In Section 855.20, the Department will add the following definition for "Certified Industrial Hygienist":

"Certified Industrial Hygienist (C.I.H.)" means an industrial hygienist certified in Comprehensive Practice by the American Board of Industrial Hygiene.

In Section 855.20 definition of "Asbestos Material Manager", the Department will delete the following: "This individual shall be licensed as an asbestos worker."

In Section 855.260(b)(1), the Department will add after the word "Dust" the following: "or a course equivalent in length and content."

In Section 855.260(c)(1), the Department will add "Asbestos Analyst Registry (AAR)" between "(PAT)" and "program."

In Section 855.345(d)(5), the Department will insert the following after the word "sample": "the superintendent of the school district may want to request a variance (Section 855.70) for the inspectors to sample material that is in good condition".

To delete Section 855.350(c) and replace it with the following new Section 855.350(c):

c) Qualifications of a management planner. In order to qualify as an accredited management planner, an applicant shall submit a completed application; attend an EPA approved course on Building Inspection and Management Planning and successfully complete the examinations; and

- 1) Hold a valid Illinois architecture license, Illinois professional engineer license, Illinois structural engineer license, or industrial hygienist certificate, or
- 2) Have a bachelors degree or higher in architecture, engineering, mathematics or science; and meet the experience requirements of an accredited inspector, or
- 3) Have a bachelors degree and two years of experience in asbestos inspections, instruction, project management, project design or other asbestos management and control activities.

In Section 855.350(c)(1), the Department will insert the following after "Illinois professional engineer license,": "Illinois structural engineer license."

DEPARTMENT OF PUBLIC HEALTH
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In Section 855.360(c)(3), the Department will make the following modifications:

Delete the following after "Illinois architecture license": "or an",

Insert a ", " after "Illinois Architectural license". Delete the period at the end of the sentence. Insert the following after "Illinois Professional Engineer license": ", Illinois Structural Engineer license."

In Section 855.360(c)(3), the Department will add the following:

"Certified Industrial Hygienists may act as an asbestos project designers when a project design only applies to interior alterations of surface materials in an existing building which does not involve structural changes or changes to the electrical, heating, air conditioning, physical plant or associated piping. The project designer shall certify that the project, design or exceeds all Federal, State, Local regulations and codes."

In Section 855.360(e), the Department will add the number "1" before the word "the" in the first paragraph.

In addition, various typographical, grammatical and form changes were made in response to the comments for the Administrative Code Division and the Joint Committee on Administrative Rules.

To delete the comma following the word "lab" in the definition of "Management Plan" in Section 855.20.

To ensure that the definition of "Tent Containment Area" in Section 855.2 is not included in the same paragraph as the definition of "Supervisor."

To remove the comma following the word "including" in Section 855.50(b)(5)

To place a period after the word "supervision" in the fifth sentence of the second paragraph of Section 855.50(b)(5) and capitalize the word "evidence" which immediately follows.

To change the word "Affidavit" to "Affidavit" and make the words "professional," "representative" and "owner" plural in the last sentence of Section 855.50(b)(5).

To modify the second sentence of Section 855.50(b)(6) so that it reads as a complete sentence.

To modify Section 855.55(a) to read "A completed application."

To add the word "it" before the word "available" and delete the word "by"

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

and replace it with the word "upon" in Section 855.55(b).

To modify the word "Owners" in Section 855.60(d)(4) so that it is in the possessive form.

To change the word "temporary" to "temporarily" in Section 855.220(f).

To change the word "hour" to "hours" in Section 855.260(a)(3)(K).

To delete the comma after the words "indoor air" in Section 855.260(b)(1).

To delete the hyphen following the word "sampling" in Section 855.260(b)(6).

To replace all citations to the 1985 Illinois Revised Statutes with citations to the 1987 edition throughout the rules.

To put a period after the word "inspectors" and start a new sentence with the word "the" following it in Section 855.340(d)(1).

To delete the term "etc." as it recurs throughout the rules.

To put parentheses around the letter "m" found in Section 855.345(d)(3).

To put a period after the word "planners" and begin a new sentence with the word "the" following it in Section 855.350(f).

To put a period after the word "designers" and begin a new sentence with the word "the" following it in Section 855.360(f).

To delete the "l" before the word "The" in the first paragraph of Section 855.360(e).

To delete the words "In Comprehensive Practice" from the definition of Certified Industrial Hygienist: in Section 855.20.

12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

The Department has made all the changes to which it agreed with the Joint Committee.

13) Will the Rules Replace an Emergency Rule Currently in Effect?

Yes ☐ No ☒

14) Are there any other Amendments Pending on this Part? Yes ☐ No ☒

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

If Yes:

Section Numbers	Proposed Action	Ill. Reg. Citation
-----------------	-----------------	--------------------

15) Summary and Purpose of Rules:

855.20 Asbestos Material Manager is necessary in O&M plan.

Asbestos Project Manager - This more fully explains their duties. We were receiving complaints and/or questions that APMS had more than one project in progress at a time and were dividing their time between them.

Management Planner - is necessary under AHERA.

Project Activities - defined for responsibilities of the A.P.M. Project Designer - is necessary under AHERA.

Defines new terms - large and small scale projects.

PL 99-519 mandates that an accreditation process be implemented for contractors. This law dictates the parameters.

PL 99-519 mandates that an accreditation process be implemented for Supervisors. This law dictates the parameters.

This rule change will avoid getting notices from more than one contractor before bid is let on a project. The A.P.M. must also assure only licensed asbestos workers are on a project.

This rule change will avoid "blanket" variances (contractors have been asking for such). Three signatures are needed to ensure complete understanding of the bid by all concerned.

This rule change will assure an escape, free from breathing asbestos fibers, when an emergency arises, e.g., power failure or pump failure.

Demolition has been addressed several times and we foresee more occasions as older schools do renovation work. The use of 6-mil plastic is much more difficult to maintain under a negative air system than 4-mil plastic.

Existing wording is incorrect.

This is in keeping with proposal 855.60

For protection of employees and the public, cargo areas must be

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

locked when unattended.

- 855.260 1) This rule change will ensure a qualified individual to represent a Building Owner.
2) This clarifies duties of the APM.
3) This rule change will keep Building Owner and Department updated on work stoppages.
- b)1) This will require the Department to receive evidence of the A.S.P. and A.P.M.'s qualifications.
b)4) Reduces the number of air samples.
d)1) Decision will be based on size and complexity of the project.
- 855.270 This rule change is to comply with Federal Regulations and submit a written plan for Operations and Maintenance. It will also require repairs be conducted by a licensed asbestos worker.
- 855.275 Numerous comments have been made for specific rules to be incorporated, identifying procedures for glovebag technique.
- 855.280 This rule change adds a liability by the A.P.M. concerning the safety of the project.
- 855.290 This rule change is to compensate and facilitate clerical time, provide a more orderly process for asbestos worker licensing, and to comply with US EPA law - AHERA.
- 855.300 This rule change is to ensure adequate time spent in training and retraining for practices and procedures of asbestos workers and to comply with US EPA law - AHERA.
- 855.330 This addition is to publish policies of grants and reimbursements, Section 9a and 9b of the Act.
- 855.340 This addition is to publish the Rules for the qualification of inspectors' accreditation. Section 5 of the Act and to comply with PL 99-519 (a federal bill, signed into legislation).
- 855.345 This rule is establishing the procedures for school inspections.
- 855.350 This addition is to establish the qualifications and duties of Management Planner.
- 855.355 This addition is establishing the requirements of the management plans.

DEPARTMENT OF PUBLIC HEALTH

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- 855.360 This addition is to establish the qualifications and duties of the Project Designer.

Appendix A: Illustration B - Requires more information about the project.

Appendix B: Illustration A through G is for School Inspection
Illustration H through I is for Management Planning

Appendix C: Illustration A through F is Accreditation Application

- 16) Information and Questions regarding this Adopted Rulemaking shall be directed to:

Mr. Robert John Kane, Division of Governmental Affairs, Department of Public Health, 525 West Jefferson, Second Floor, Springfield, Illinois 62761, 217/782-6187.

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER p: HAZARDOUS AND POISONOUS SUBSTANCE

PART 855
ASBESTOS ABATEMENT FOR PUBLIC AND PRIVATE
SCHOOLS IN ILLINOIS

Section	Incorporation by Reference-Federal Regulations and Other Standards
855.10	Definitions
855.20	School Inspection and Hazard Assessment
855.30	Corrective Action
855.40	Contractor List
855.50	Supervisor's Requirements
855.55	Submittals and Notices
855.60	Alternative Procedures and Variances
855.70	Personnel Protection
855.80	Workplace Entry and Exit Procedures
855.90	Equipment and Waste Container Removal Procedures
855.100	Building Protection
855.110	Materials and Equipment
855.120	Work Area Preparation and Demolition of a Facility
855.130	Worker Decontamination Enclosure System
855.140	Equipment Decontamination Enclosure System
855.150	Separation of Work Areas from Occupied Areas
855.160	Maintenance of Decontamination Enclosure Systems and Workplace Barriers
855.170	Commencement of Work
855.180	Removal Procedures
855.190	Encapsulation Procedures
855.200	Enclosure Procedures
855.210	Cleanup Procedures
855.220	Disposal Procedures
855.240	Reestablishment of the Work Area and HVAC Systems
855.250	Responsibilities of the Asbestos Project Manager, Air Sampling
855.260	Professional, and Laboratory Services
855.270	Operations and Maintenance
855.275	Glovebag Procedures
855.280	Fines and Penalties
855.290	Asbestos Worker Licensing
855.300	Training Requirements and Training Course Approval

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855.310	Administrative Hearings
855.320	Emergency Stop Work Orders
855.330	State Funding and Priority Establishment
855.340	Inspector's List
855.345	Procedures for School Inspection
855.350	Management Planner Accreditation and Responsibilities
855.355	Management Plan
855.360	Project Designer Accreditation and Responsibilities
Appendix A	Illustrations

Illustration A	Notice of Asbestos Removal in Advance of Renovation
Illustration B	Notice of Asbestos Abatement
Illustration C	Addresses for Asbestos Renovation Notices in Illinois
Illustration D	Worker and Equipment Decontamination Systems
Appendix B	Illustrations-Inspection and Management Plan Forms
Illustration A	Building Inspection for Friable Materials and Nonfriable Materials

Illustration B	Inspection Report Form
Illustration C	Sampling Area Diagram (Ceiling and Floor)
Illustration D	Sampling Area Diagram (Boiler Room)
Illustration E	Random Sampling Table
Illustration F	Irregularly Shaped Random Sampling Area
Illustration G	Regular Shaped Random Sampling Area
Illustration H	Protocol for Asbestos Management Plan
Illustration I	Outline for Asbestos Management Plan
Appendix C	Illustrations-Application Forms
Illustration A	Application for the Accredited School Inspector's List
Illustration B	Application for the School Management Planner's List
Illustration C	Application for the School Project Designer's List
Illustration D	Application for the School Asbestos Abatement Project Supervisor's List
Illustration E	Application for the Accredited Asbestos Contractor's List
Illustration F	Application for the School Air Sampling Professional's List

AUTHORITY: Implementing and authorized by the Asbestos Abatement Act (Ill. Rev. Stat. 1987, ch. 122, par. 1401 et seq.)

SOURCE: Adopted at 9 Ill. Reg. 19052, effective November 29, 1985; amended at 10 Ill. Reg. 14800, effective September 12, 1986; emergency amendment at 12 Ill. Reg. 4357, effective February 5, 1988, for a maximum of 150 days; emergency expired July 4, 1988; amended at 13 Ill. Reg. 2768, effective February 16, 1989

NOTE: Capitalization denotes Statutory Language.

Section 855.10 Incorporation by Reference-Federal Regulations and Other Standards

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- a) All citations to federal regulations in this Part concern the specified regulation in the 1985 1987 Code of Federal Regulations, unless another date is specified.
- b) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any additions or deletions subsequent to the date specified.
- c) The Contractor shall comply with the following Federal and State regulations and referenced standards:

- 1) 23 Ill. Adm. Code 175 and 185.
- 2) 29 CFR 1910.1001.
- 3) 29 CFR 1910.134.
- 4) 40 CFR 61 Subparts A and M.
- 5) 40 CFR 763 and 111 - 40 CFR 763 Final Rule Effective December 14, 1987.
- 6) 29 CFR 1926.58
- 7) Guidance for Controlling Asbestos-Containing Materials in Buildings, Appendix J, EPA Report No. 560/5-85-024 (1985).
- 8) National Electrical Code, 1984 Ed., National Fire Protection Association, Quincy, Mass. 002269.
- 9) Compressed Gas Association Commodity Specification, G-7.1 (1966).
- 10) American National Standard Practices for Respiratory Protection, ANSI Z88.2 (1980).
- 11) American National Standard Fundamentals Governing the Design and Operation of Local Exhaust Systems, ANSI Z9.2 (1971).
- 12) National Institute of Occupational Safety and Health, Manual of Analytical Methods (P&CAM 239-1979 and Method 7400-1984).
- 13) U.S. Environmental Protection Agency, Electron Microscope Measurement of Airborne Asbestos Concentrations, Report No. 600/2-77-178 (1978).
- 14) U.S. Environmental Protection Agency, Methodology for the

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Measurement of Airborne Asbestos by Electron Microscopy,

- 15) National Institute of Occupational safety and Health, (Certified NIOSH Equipment List Department of Health and Human Services Publication Number 83-122 (1983) or last publication.

Contract No. 68-02-3266 (1984).

(Source: Amended at 13 Ill. Reg. 2768, effective February 16, 1989.)

Section 855.20 Definitions

"Abatement" means procedures to control fiber release from asbestos-containing materials. This includes removal, encapsulation, enclosure and repair.

"Act" means the Asbestos Abatement Act (Illinois Rev. Stat. 1987, ch. 122, par. 1401 et seq.).

"Aggressive Sampling" means a method of sampling in which the person collecting the air sample creates activity during the sampling period to stir up settled dust and simulate the activity of that area of the building.

"Airlock" means a system for permitting entrance and exit with minimum air movement between a contaminated area and an uncontaminated area, consisting of two curtained doorways separated by a distance of at least 3 feet such that one passes through one doorway into the airlock, allowing the doorway sheeting to overlap and close off the opening before proceeding through the second doorway, thereby preventing flow-through contamination (See Illustration D).

"Air Sampling" means the process of measuring the fiber content of a known volume of air collected during a specific period of time. The procedure utilized for asbestos follows the NIOSH Standard Analytical Method for Asbestos in Air P&CAM 239 or Method 7400. In addition, transmission electron microscopy methods may shall be utilized for lower detectability and specific fiber identification.

"Air Sampling Professional" means the professional contracted or employed by the School District or Building Owner to conduct air monitoring. This individual shall have a Bachelors Degree in the life, environmental or physical sciences or in engineering and three months of experience in general indoor air pollution sampling; or an individual without a degree shall have twelve months of experience in industrial-hygiene and air sampling for asbestos on abatement

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projects. Both shall have completed NIOSH Course #582, "Sampling and Evaluating Airborne Asbestos Dust," or a course equivalent in length and content. ~~or shall have three months air sampling for asbestos.~~

"Amended Water" means water to which a surfactant has been added to improve penetration and reduce fiber release.

"ANSI" means the American National Standards Institute, 1430 Broadway, New York, New York 10018.

"Area Air Sampling" means any form of air sampling or monitoring where the sampling device is placed at some stationary location. Area air sampling is conducted each day during an asbestos abatement project. Sampling locations include inside the work area, outside the work area, and outside the building.

"ASBESTOS" MEANS NATURALLY OCCURRING HYDRATED MINERAL SILICATES SEPARABLE INTO COMMERCIALY USED FIBERS--SPECIFICALLY CHRYSOTILE, AMOSITE, CROCIDOLITE, TREMOLITE, ANTHOPHYLLITE, AND ACTINOLITE (Section 3 (a) of the Act). ~~111-Rev-Stat-1985, ch-122, par-1403(a)).~~

"Asbestos-Containing Material (ACM)" means material composed of asbestos of any type and in an amount greater than 1% by weight, either alone or mixed with other fibrous or nonfibrous materials.

"Asbestos-Containing Waste Material" means asbestos-containing material or asbestos-contaminated objects requiring disposal pursuant to Section 855.130.

"ASBESTOS MATERIALS" MEANS MATERIALS FORMED BY MIXING ASBESTOS FIBERS WITH OTHER PRODUCTS, INCLUDING BUT NOT LIMITED TO ROCK WOOL, PLASTER, CELLULOSE, CLAY, VERMICULITE, PERLITE AND A VARIETY OF ADHESIVES, AND WHICH CONTAIN MORE THAN 1% ASBESTOS BY WEIGHT. SOME OF THESE MATERIALS MAY BE SPRAYED ON SURFACES OR APPLIED TO SURFACES IN THE FORM OF PLASTER OR A TEXTURED PAINT (Section 3 (b) of the Act). ~~111-Rev-Stat-1985, ch-122, par-1403(b)).~~

"Asbestos Material Manager" means an individual designated as the Building Owner's representative and responsible for the school's operations and maintenance plan.

"Asbestos Project Manager" means an individual designated as the Building Owner's representative and responsible for overseeing the asbestos abatement and project activities. This individual shall have successfully completed a training course and examination covering the practices and procedures for ~~supervision of asbestos~~

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control abatement projects equivalent in length and content to the EPA funded approved courses. ~~taught at the Georgia Institute of technology, the University of Kansas and Tufts University.~~

"ASBESTOS WORKER" MEANS AN INDIVIDUAL WHO CLEANS, REMOVES, ENCAPSULATES, ENCLOSURES, HAULS OR DISPOSES OF FRIABLE ASBESTOS MATERIAL FROM SCHOOLS AS DEFINED IN THIS ACT (Section 3 (p) of the Act). ~~111-Rev-Stat-1985, ch-122, par-1403(p)).~~

~~Agency Notes--Supervisors who clean, remove, encapsulate, enclose, haul or dispose of friable asbestos material from schools shall have an "Asbestos Worker License."~~

"ASTM" means the American Society For Testing and Materials, 1916 Race Street, Philadelphia, PA 19103.

"Authorized Visitor" means the building owner, and any representative of a regulatory or other agency having jurisdiction over the project.

"Background Level Monitoring" means a method used to determine airborne asbestos fiber concentrations inside and outside a building prior to starting an asbestos abatement project.

"Building Owner" means the person in whom legal title to the premises is vested unless the premises are held in land trust, in which instance the Building Owner means the person in whom beneficial title is vested.

"Certified Industrial Hygienist (C.I.H.)" means an industrial hygienist certified by the American Board of Industrial Hygiene.

"Clean Room" means an uncontaminated area or room which is a part of the worker decontamination enclosure with provisions for storage of workers' street clothes and protective equipment.

"Clearance Air Monitoring" means the employment of aggressive sampling techniques with a volume of air collected to determine the airborne concentration of residual fibers upon conclusion of an asbestos abatement project.

"CONTRACTOR" MEANS AN ENTITY THAT ENGAGES IN CORRECTIVE ACTION SERVICES FOR ANY SCHOOL (Section 3 (g) of the Act). ~~111-Rev-Stat-1985, ch-122, par-1403(g)).~~

"CORRECTIVE ACTION" MEANS REMOVAL, ENCAPSULATION, OR ENCLOSURE, AND WHERE NO SIGNIFICANT HEALTH HAZARD EXISTS, REPAIR OR MAINTENANCE OF FRIABLE ASBESTOS MATERIAL IN AN EDUCATIONAL FACILITY (Section 3 (e)

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of the Act). (Ill.-Rev.-Stat.-1985, ch.-122, par.-1403(e)).

"COUNCIL" MEANS THE ASBESTOS ABATEMENT COUNCIL (Section 3 (f) of the Act); (111-Rev--Stat--1985--ch--122--Part--1403(f))

"Curtained Doorway" means a device which consists of at least three overlapping sheets of plastic over an existing or temporarily framed doorway. One sheet shall be secured at the top and left side, the second sheet at the top and right side, and the third sheet at the top and left side. All sheets shall have weights attached to the bottom to insure that the sheets hang straight and maintain a seal over the doorway when not in use.

"Decontamination Enclosure System" means a series of connected rooms, separated from the work area and from each other by air locks, for the decontamination of workers, materials and equipment (See Appendix A: Illustration D).

"DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC HEALTH (Section 3 (k) of the Act) (~~111--Rev--Stat--1985--ch--122--par--1403(k)~~)-

"DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT OF PUBLIC HEALTH
(Section 3 (1) of the Act). ~~tttt-Rev--Stat-1985-eh-122;~~
BAF--1493tttt-

"EDUCATIONAL FACILITY" MEANS:

STRUCTURES USED FOR THE INSTRUCTION OF SCHOOL CHILDREN, INCLUDING CLASSROOMS, LABORATORIES, LIBRARIES, RESEARCH FACILITIES AND ADMINISTRATIVE FACILITIES.

SCHOOL EATING FACILITIES. AND SCHOOL KITCHENS.

GYMNASIUMS OR OTHER FACILITIES USED FOR ATHLETIC OR RECREATIONAL ACTIVITIES OR FOR COURSES IN PHYSICAL EDUCATION.

DORMITORIES OR OTHER LIVING AREAS OF RESIDENTIAL SCHOOLS:

MAINTENANCE, STORAGE OR UTILITY FACILITIES ESSENTIAL TO THE OPERATION OF THE FACILITIES DESCRIBED IN THE FOUR SUBSECTIONS ABOVE
SUBPARAGRAPHS (1) THROUGH (4) ABOVE (111-Rev. Stat., 1985, ch. 122, par. 1493-6) Section 3(o) of the Act).

"Encapsulant (sealant)" means a liquid material which can be applied to asbestos-containing material and which temporarily controls the possible release of asbestos fibers from the material either by creating a membrane over the surface (bridging encapsulant) or by

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penetrating into the material and binding its components together (penetrating encapsulant).

"ENCAPSULATION" MEANS THE COATING OR SPRAYING OF ASBESTOS MATERIAL WITH A SEALANT (Section 3 (j) of the Act). ~~1117-Rev-Stat-1985, 64-122-887-1403-1117~~

"ENCLOSURE" MEANS THE CONSTRUCTION OF AIR TIGHT WALLS AND CEILINGS BETWEEN THE ASBESTOS MATERIAL AND THE EDUCATIONAL FACILITY ENVIRONMENT, OR AROUND SURFACES COATED WITH ASBESTOS MATERIALS, OR ANY OTHER APPROPRIATE SCIENTIFIC PROCEDURE AS DETERMINED BY THE DEPARTMENT WHICH PREVENTS THE RELEASE OF ASBESTOS MATERIALS (Section 3 (i) of the Act) ~~4411-Rev-Stats-1985-ehs-422-paw-4403-1117~~

"EPA" means the Environmental Protection Agency, 401 M Street, S.W., Washington, DC 20460.

"Equipment Decontamination Enclosure" means that portion of a decontamination enclosure system designed for the controlled transfer of materials and equipment, consisting of a washroom and a holding area.

"Equipment Room" means a contaminated area or room which is part of the worker decontamination enclosure system with provisions for the storage of contaminated clothing and equipment.

"Fixed Object" means a unit of equipment or furniture in the work area which cannot be removed from the work area.

"FRIBLE ASBESTOS MATERIAL" MEANS ANY MATERIAL APPLIED ONTO CEILINGS, WALLS, STRUCTURAL MEMBERS, PIPING, DUCTWORK, OR ANY OTHER PART OF THE BUILDING STRUCTURES WHICH, WHEN DRY, MAY BE CRUMBLED, PULVERIZED OR REDUCED TO POWDER BY HAND PRESSURE (Section 3 (d) of the Act).

"FRIABLE MATERIAL CONTAINMENT" MEANS THE ENCAPSULATION OR ENCLOSURE OF ANY FRIABLE ASBESTOS MATERIAL IN A FACILITY (Section 3 (h) of the Act) (iii--Rev--Stat--1985--ch--122--part--1403--(1))

"Glovebag Technique" means a method for removing three (3) linear feet or less of friable asbestos-containing material from heating, ventilation, and air conditioning (HVAC) ducts, short piping runs, valves, joints, elbows, and other nonplanar surfaces in a noncontained work area. The glovebag assembly is a manufactured device consisting of a glovebag (constructed of 6-mil transparent plastic), two inward-projecting longleeve rubber gloves, one inward-projecting waterspout sleeve, an internal tool pouch, and an

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attached, labeled receptacle for asbestos waste. The glovebag is constructed and installed in such a manner that it surrounds the object or area to be decontaminated and contains all asbestos fibers released during the removal process.

"HEPA" means high efficiency particulate air.

"HEPA Filter" means a high efficiency particulate air filter capable of trapping and retaining 99.97 percent of particles (asbestos fibers) greater than 0.3 micrometers in mass median aerodynamic equivalent diameter.

"HEPA Vacuum Equipment" means vacuuming equipment with a high efficiency particulate air filter system.

"Holding Area" means a chamber in the equipment decontamination enclosure located between the washroom and an uncontaminated area.

"Homogeneous Material" means a substance that is uniform in structure and composition throughout which comprises a unique sample area. (e.g. boiler insulation is a separate sample area, pipe joint insulation is a separate sample area, corrugated pipe insulation is a separate sample area. 7-066-77)

"Homogeneous Work Area" means a site within the abatement work area which contains one type of asbestos-containing material and where one type of abatement is used.

"Management Plan" means the inspection report, laboratory (LAB) analyses and response actions to be taken by the Local Education Agency (LEA) when Asbestos Containing Materials (ACM) is in the building.

"Management Planner" means the person accredited by the Department to write asbestos management plans for the Local Education Agency (LEA).

"Movable Object" means a unit of equipment or furniture in the work area which can be removed from the work area.

"Negative Air Pressure Equipment" means a portable local exhaust system equipped with HEPA filtration. The system shall be capable of maintaining a constant, low velocity airflow from contaminated areas into adjacent uncontaminated areas, creating a negative pressure differential between the outside and inside of the work area.

"NESHAPS" means the National Emission Standards for Hazardous Air Pollutants (40 CFR Part 61).

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"NIOSH" means the National Institute for Occupational Safety and Health CDC - NIOSH, Building J N.E., Room 3007, Atlanta, GA 30333.

"Nonfriable" means materials in a school building which when dry may not be crumbled, pulverized, or reduced to powder by hand pressure.

"Operations and Maintenance" means a simple cost or no cost program of work to keep a building and its component parts in a state of good repair.

"OSHA" means the Occupational Safety and Health Administration, 200 Constitution Avenue, Washington, DC 20210.

"Outside Air" means the air outside buildings and structures.

"Personal Air Monitoring" means a method used to determine employees' exposure to airborne fibers. The sample is collected outside the respirator in the worker's breathing zone. This form of sampling is required by the OSHA asbestos standards (29 CFR 1910.1001).

"Plasticize" means to cover floors and walls with plastic sheeting as herein specified or by using spray plastics as recommended by the Department, through a variance request.

"Project Activities" means activities taking place when the contractor or his designee and supplies and equipment for asbestos abatement are present at the abatement site.

"Project Designer" means the person accredited by the Department to plan the asbestos abatement projects for the LEA.

"Removal" means the stripping of any asbestos-containing materials from surfaces or components of a facility or taking out structural components in accordance with 40 CFR 61 Subparts A and M.

"Repair" means to rewrap or tape damaged pipe and boiler insulation.

"SCHOOL" MEANS ANY SCHOOL DISTRICT OR PUBLIC, PRIVATE OR NONPUBLIC DAY OR RESIDENTIAL EDUCATIONAL INSTITUTION THAT PROVIDES ELEMENTARY OR SECONDARY EDUCATION FOR GRADE 12 OR UNDER (Section 3 (c) of the Act) (Ill. Rev. Stat. 1985, ch. 122, par. 1403(c)).

"School Board" means the corporate body established by law to govern the school district.

"SCHOOL PERSONNEL" MEANS ANY EMPLOYEE OF A SCHOOL (Section 3 (m) of the Act. (Ill. Rev. Stat. 1985, ch. 122, par. 1403(m)).

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"Shall" means the stated provision is mandatory.

"Shower Room" means a room between the clean room and the equipment room in the worker decontamination enclosure with hot and cold running water controllable at the tap and arranged for complete showering during decontamination.

"Staging Area" means the area near the waste transfer airlock where containerized asbestos waste has been placed prior to removal from the work area.

"Strip" means to remove friable or nonfriable asbestos materials from any part of the facility.

"Structural Member" means any load-supporting member of a facility, such as beams and load-supporting walls, or any nonload-supporting member, such as ceilings and nonload-supporting walls.

"STUDENT" MEANS ANY STUDENT ENROLLED IN A SCHOOL (Section 3 (n) of the Act). (Ill--Rev--Stat--1985--Ch--122--par--1493--(n)):-

"Surfactant" means a chemical wetting agent that when added to water ~~it~~ will improve penetration and reduce fiber release.

"Supervisor" means the contractor, foreman or person designated as the contractor's representative and who is responsible for the onsite supervision of the removal, encapsulation, or enclosure of friable or nonfriable asbestos-containing material in an educational facility. This individual shall be licensed as an asbestos worker.

"Tent Containment Area" means the plastic around the glovebag area with one layer of 6-mil plastic in the shape of a triangle or rectangle with enclosed ends.

"Visible Emissions" means any emissions containing particulate asbestos material that are visually detectable without the aid of instruments.

"Washroom" means a room between the work area and the holding area in the equipment decontamination enclosure system where equipment and waste containers are wet cleaned or HEPA vacuumed prior to disposal.

"Wet Cleaning" means the process of eliminating asbestos contamination from building surfaces and objects by using cloths, mops, or other cleaning tools which have been dampened with water, and by afterward disposing of these cleaning tools as asbestos contaminated waste.

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"Work Area" means designated rooms, spaces, or areas of the project where asbestos is being removed, enclosed or encapsulated (See Illustration D).

"Worker Decontamination Enclosure System" means that portion of a decontamination enclosure system designed for controlled passage of workers, and other personnel and authorized visitors, consisting of a clean room, a shower room, and an equipment room separated from each other and from the work area by airlocks and curtained doorways.

(Source: Amended at 13 Ill. Reg. 2768, effective February 16, 1989)

Section 855.50 Contractor List

- a) The Department shall prepare and maintain a list of qualified certified asbestos abatement contractors. The list shall be made available to all School Boards or Building Owners and shall be used to select an asbestos abatement contractor. The contractor shall possess the qualifications detailed in Section 855.50(b).
- b) A Contractor who wishes to be included on the Department's list of certified asbestos abatement contractors shall submit the following information to the Department:
 - 1) A list of 3 references from former employers.
 - 2) A CERTIFICATE OF FINANCIAL RESPONSIBILITY DOCUMENTING THAT THE CONTRACTOR CARRIES LIABILITY INSURANCE, SELF INSURANCE, GROUP INSURANCE, GROUP SELF INSURANCE, A LETTER OF CREDIT, OR A BOND IN THE AMOUNT OF AT LEAST \$500,000 FOR WORK PERFORMED PURSUANT TO THE ASBESTOS ABATEMENT ACT AND RULES. THE CONTRACTOR SHALL NOTIFY THE DEPARTMENT OF ANY CHANGE IN THE STATUS OF THE CERTIFICATE WHICH HAS BEEN FILED INCLUDING EXPIRATION, RENEWAL OR ALTERATION OF THE TERMS OF THE CERTIFICATE (Section 15(a) of the Act). (Ill.-Rev.Stat.-1985--ch--122--par--1415(a)):
 - 3) Evidence of successful completion of a training course and examination by the Contractor and designated supervisors covering the supervision of practices and procedures for asbestos control abatement projects equivalent in length and content to the EPA funded courses taught at the Georgia Institute of Technology, the University of Kansas, and Tufts University. Each contractor shall maintain on file with the Department a list of employed supervisors meeting the requirements of Section 855.55.
 - 4) Evidence that asbestos workers have an "Asbestos Worker License

- b) A Contractor who wishes to be included on the Department's list of certified asbestos abatement contractors shall submit the following information to the Department:

- 1) A list of 3 references from former employers.
- 2) A CERTIFICATE OF FINANCIAL RESPONSIBILITY DOCUMENTING THAT THE CONTRACTOR CARRIES LIABILITY INSURANCE, SELF INSURANCE, GROUP INSURANCE, GROUP SELF INSURANCE, A LETTER OF CREDIT, OR A BOND IN THE AMOUNT OF AT LEAST \$500,000 FOR WORK PERFORMED PURSUANT TO THE ASBESTOS ABATEMENT ACT AND RULES. THE CONTRACTOR SHALL NOTIFY THE DEPARTMENT OF ANY CHANGE IN THE STATUS OF THE CERTIFICATE WHICH HAS BEEN FILED INCLUDING EXPIRATION, RENEWAL OR ALTERATION OF THE TERMS OF THE CERTIFICATE (Section 15(a) of the Act). ~~(11-Rev-Stat-1985, ch-12, par-115(a))~~.
- 3) Evidence of successful completion of a training course and examination by the Contractor and designated supervisors covering the supervision of practices and procedures for asbestos control abatement projects equivalent in length and content to the EPA funded courses taught at the Georgia Institute of Technology, the University of Kansas, and Tufts University. Each contractor shall maintain on file with the Department a list of employed supervisors meeting the requirements of Section 855.55.
- 4) Evidence that asbestos workers have an "Asbestos Worker License"

- 2) A CERTIFICATE OF FINANCIAL RESPONSIBILITY DOCUMENTING THAT THE CONTRACTOR CARRIES LIABILITY INSURANCE, SELF INSURANCE, GROUP INSURANCE, GROUP SELF INSURANCE, A LETTER OF CREDIT, OR A BOND IN THE AMOUNT OF AT LEAST \$500,000 FOR WORK PERFORMED PURSUANT TO THE ASBESTOS ABATEMENT ACT AND RULES. THE CONTRACTOR SHALL NOTIFY THE DEPARTMENT OF ANY CHANGE IN THE STATUS OF THE CERTIFICATE WHICH HAS BEEN FILED INCLUDING EXPIRATION, RENEWAL OR ALTERATION OF THE TERMS OF THE CERTIFICATE (Section 15(a) of the Act). {fil1-Rev2-Stat-1995-ch-122-par-1415(a)}=

- 3) Evidence of successful completion of a training course and examination by the Contractor and designated supervisors covering the supervision of practices and procedures for asbestos control abatement projects equivalent in length and content to the EPA funded courses taught at the Georgia Institute of Technology, the University of Kansas, and Tufts University. Each contractor shall maintain on file with the Department a list of employed supervisors meeting the requirements of Section 855.55.

- 4) Evidence that asbestos workers have an "Asbestos Worker License,"

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as required by Section 855.290.

- 5) A list of prior contracts for asbestos abatement projects, including dates, names, addresses, and telephone numbers of building owners for whom the projects were performed. A Contractor shall have a minimum of one year experience in asbestos abatement contracting. A new contractor is eligible to qualify if employer references demonstrate a minimum of one year experience in asbestos abatement project supervision, or by employing a supervisor with a minimum of one year experience in asbestos abatement project supervision. Evidence of experience must accompany the application. Affidavit of experience will be submitted from persons who you supervised including, architects, engineers, project managers, air sampling professionals and representatives of owners for whom projects were performed.
- 6) Evidence of air monitoring data taken during and after completion of previous asbestos abatement projects in accordance with 29 CFR 1910.1001(e). Provide evidence of final air monitoring results from ten (10) complete asbestos abatement projects. Evidence of air monitoring data must have the name of the company who analyzed the final air monitoring results. All final results shall be below .01 f/cc.
- 7) A copy of the written standard operating procedures and employee protection plans, including specific reference to OSHA medical monitoring and respirator training programs as required in 29 CFR 1910.1001.
- 8) A description of any asbestos abatement projects which were prematurely terminated or not completed, including the circumstances surrounding termination.
- 9) A list of any contractual penalties which the contractor has paid for breach or noncompliance with contract specifications, such as overruns of completion time or liquidated damages.
- 10) Copies of any and all citations levied against the contractor by any Federal, state or local government agency for violations related to asbestos abatement, including names and locations of the projects, the date(s), and a description of how the allegations were resolved.
- 11) A description detailing all legal proceedings, lawsuits or claims which have been filed or levied against the contractor or any of his past or present employees for asbestos-related activities.

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12) Complete the Department's application.

- c) The Department shall provide written notice, via certified mail, of its decision ~~institute administrative hearing proceedings to deny inclusion on or remove a Contractor from the list of asbestos abatement contractors.~~ The applicant shall have fifteen (15) days to make a written request for an administrative hearing to contest the Department's decision. The Department's decision shall be based upon the following reasons:
 - 1) Conviction of the Contractor, or if the Contractor is a firm, partnership or association, of any of its members, or if a corporation, of any of its officers or directors, or of any person designated to manage or supervise the asbestos abatement activities, of a felony, or two or more misdemeanors involving fraudulent activities, or of laws relating to construction or the building trades in general in the last five years.
 - 2) The licensure status or record of the Contractor, or if the Applicant is a firm, partnership or association, of any of its members, or if a corporation, of any of its officers or directors, or of any person designated to manage or supervise the asbestos abatement activities, in Illinois or from any other state where the Applicant has done business in a similar capacity which indicates that the applicant has conducted asbestos abatement projects in a manner hazardous to the public health.
 - 3) The Contractor has failed to complete an asbestos abatement project due to insufficient financial resources to operate and conduct the asbestos abatement activities.
 - 4) Violation of any provision of the Asbestos Abatement Act or of any provision of the rules of this Part.
 - d) The contractor shall submit evidence of retraining which includes an eight (8) hour (one day) annual refresher course covering the practice and procedures for asbestos control. The Department will accept as evidence of retraining, a certificate of completion from an EPA approved course.

(Source: Amended at 13 Ill. Reg. 2768, effective February 16, 1989)

Section 855.55 Supervisor's Requirements

The supervisor shall submit to the Department evidence of the following requirements:

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- a) A completed application.
- b) Successful completion of a training course and examination covering the practices and procedures for asbestos control equivalent in length and content to the EPA approved courses. All EPA approved courses may be found in the October 30, 1987, and the February 10, 1987, Federal Register. The Department will develop a list of EPA approved courses and will make it available upon written request.
- c) Retraining which includes an eight (8) hour (one day) annual refresher course covering the practices and procedures for asbestos control.

(Source: Added at 13 Ill. Reg. 2768, effective February 16, 1989)

Section 855.60 Submittals and Notices

- a) All notification shall be received by the Department two weeks (10 working days or 14 calendar days) prior to commencement of work. The contractor shall submit the following items to the School Board or Building Owner and the Department:
 - 1) A copy of the demolition/renovation notice shall be submitted as required by 40 CFR 61 Subparts A and M, National Emission Standard for Asbestos. The notification form and a list of applicable addresses are located in Appendix A: Illustrations A and C.
 - 2) The notification form located in Appendix A: Illustration B shall be completed and submitted by the contractor for all abatement projects. that are not covered under 40-CFR-61 Subparts A and M. The notification form and applicable addresses are located in Appendix A: Illustrations B and C.
 - 3) Written permission from the Building Owner confirming the authorization for the commencement of abatement according to Section 855.180 (g) shall be attached to Appendix A, Illustration B and submitted to the Department.

- b) Five days prior to commencement of work, the Contractor shall submit the following items to the School Board or the Building Owner:

- 1) Documentation that arrangements for the transport and disposal of asbestos-containing or contaminated materials and supplies have been made. The name and location of the disposal site, a copy of handling procedures, and a list of protective equipment utilized for asbestos disposal at the landfill, prepared and

- signed by the landfill owner, shall be obtained and submitted.
- 2) Documentation that each asbestos worker has a license.
- 3) Documentation from a physician that all employees or agents who may be exposed to airborne asbestos in excess of background levels have been provided with an opportunity to be medically monitored to determine if physically capable of working while wearing the required respiratory equipment without suffering adverse health effects. In addition, documentation that personnel have received medical monitoring as required in OSHA 29 CFR 1910.1001(j) shall be submitted. The Contractor shall provide information to the examining physician about conditions in the workplace environment (e.g. high temperatures, humidity, chemical contaminants).

- 4) Drawings for layout and construction of decontamination enclosure systems and barriers for isolation of the work area.
- 5) A list of NIOSH approvals for all respiratory protective devices utilized on site. In addition, manufacturer certification of HEPA filtration capabilities for all cartridges and filters shall be submitted.
- 6) Documentation that all of the contractor's employees and agents who must enter the work area have passed respirator fit tests and have been assigned respirators which fit. This fit testing shall be in accordance with qualitative procedures as detailed in the OSHA Lead Standard 29 CFR 1910.1025 Appendix D Qualitative Fit Test Protocol (1985).
- 7) Manufacturer's certification that HEPA vacuums, negative air pressure equipment, and other local exhaust ventilation equipment conform to ANSI Z 9.2-79.
- 8) When rental equipment is to be used in removal areas or to transport waste materials, a copy of the written notification to inform the rental company of the nature of use of the rented equipment.
- 9) Results of materials testing as conducted before the abatement for purposes of utilization during abatement activities (e.g., testing of encapsulant for depth of penetration, testing of substitute materials for adherence to encapsulated surfaces).

- c) During abatement activities the Contractor shall submit the following items to the Asbestos Project Manager:

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- 1) Submit weekly, job progress reports detailing abatement activities, including a review of progress with respect to previously established schedules, problems and actions taken, injury reports, and equipment breakdowns.
- 2) Submit weekly, copies of all transport manifests, trip tickets and disposal receipts for all asbestos waste materials removed from the work area during the abatement process.
- 3) Submit weekly, copies of worksite entry log books with information on worker and visitor access.
- 4) Submit weekly, logs documenting filter changes on respirators, HEPA vacuums, negative pressure ventilation units, and other engineering controls.
- 5) Submit weekly, results of air sampling data collected during the course of the abatement for OSHA compliance air monitoring.
- 6) Submit weekly, logs documenting that each asbestos worker present and in the abatement area was licensed as such by the Department.

d) Prior to commencement of work the School Board or the Building Owner shall:

- 1) Notify occupants of work areas that may be disrupted by the abatement of project dates and requirements for relocation. Arrangements must be made prior to start for relocation of desks, files, equipment and personal possessions to avoid unauthorized access into the work area.

Agency Note: Notification of all building occupants and users is required in order to prevent unnecessary or unauthorized access to the contaminated work area.

- 2) Submit to the Contractor results of background level air sampling, including sampling location, name of the Air Sampling Professional, equipment utilized and method of analysis.
- 3) Provide to the Contractor information concerning access, shutdown, and protection requirements of equipment and systems in the work area.
- 4) Submit to the Department names and addresses of any Asbestos Project Manager and Air Sampling Professional prior to the commencement of abatement. Any changes of the Building Owners'

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representatives shall be submitted to the Department prior to such change.

(Source: Amended at 13 Ill. Reg. 2768, effective February 16, 1989)

Section 855.70 Alternative Procedures and Variances

- a) A variance may be requested by submitting a written proposal to the Department. Any written proposal shall include a detailed description of the procedure(s) to be used in lieu of the requirements of the rules of this Part. The capability of the alternative procedure(s) to provide an orderly, efficient, and safe abatement which ensures protection equivalent to that provided by the rules of this Part shall be the basis for approval or denial of the variance. The Department shall notify the applicant in writing of its decision to either grant or deny the variance within 60 days of receipt of the request. A variance shall be requested and approved before abatement work begins.
- b) Variance requests on abatement project activities shall be issued on a per project basis. These variances shall bear the signatures of the architect/engineer (for health/life, safety measures), asbestos project manager, and asbestos abatement contractor, provided the contractor has been established at the time of the variance request.

(Source: Amended at 13 Ill. Reg. 2768, effective February 16, 1989)

Section 855.80 Personnel Protection

The Contractor shall be responsible for providing the following training and equipment:

- a) Prior to commencement of work, workers shall be instructed and shall be knowledgeable in the areas described in Section 855.300, and in the use of equipment and facilities unique to the job site. Emergency evacuation procedures to be followed in the event of compressor failure shall be included in worker training prior to commencement of work.
- b) All respiratory protection shall be provided to workers in conjunction with a written respiratory protection program which shall meet the requirements of OSHA regulation, 29 CFR 1910.134(b)(1-11). This program shall be posted at the work site.
- c) Workers shall be provided with personally issued and marked respiratory equipment approved by NIOSH (Certified NIOSH Equipment List D.H.H.S. Pub. No. 83-122 (1983)).

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- d) Respiratory protection shall be worn by all persons exposed to asbestos from the initiation of the asbestos abatement project until all areas have passed clearance air monitoring under Section 855.230.
- e) Type "C" air supplied respirators in positive-pressure/ or pressure demand mode with full facepieces shall be used for all abatement work of more than one hour duration per day until the completion of gross clean up (i.e. removal of all visible, bulk asbestos-containing material) and air sampling results indicate fiber levels of less than 0.2 f/cc. Powered air-purifying respirators equipped with HEPA filters or ambient air breathing apparatus, and tightfitting full facepieces may be used for inspection or repair work of less than 1 hour duration per day provided that air sampling results indicate fiber levels of less than 0.2 f/cc. A supply of charged replacement batteries and filters and a flow test meter shall be available in the clean change area for use with powered air-purifying respirators. Air-purifying respirators with dual high efficiency (HEPA) filters may be utilized during work area preparation activities and following gross clean-up once daily air monitoring results inside the work area are below 0.1 f/cc of air. Spectacle kits and eyeglasses shall be provided for employees who wear glasses and who must wear full facepiece respirators. Respirators shall be provided that have been tested and approved by the National Institute of Occupational Safety and Health for use in asbestos-contaminated atmospheres.
- f) Compressed air systems shall be designed to provide air volumes and pressures to accommodate respirator manufacturer's specifications. The compressed air systems shall have a receiver of such capacity to allow escape of all respirator wearers from contaminated areas in the event of compressor failure. Compressors shall meet the requirements of 29 CFR 1910.134(d). Compressors shall have an in-line carbon monoxide monitor, and daily inspection of the carbon monoxide monitor shall be documented. Documentation of the capacity of compressed air system/respiratory protection system shall be retained on site and shall include a list of compatible components with the maximum number and type of respirators that may be used with the system. Daily testing of compressed air shall be conducted to insure that systems provide breathing air of Grade D quality (as described in Compressed Gas Association Commodity Specifications G-7.1). The air compressor shall be located where contaminated air cannot enter the system. The use of ambient air breathing apparatus shall not be allowed in lieu of the compressed air system.
- g) The minimum type of respiratory protection to be used in the holding area shall be a full face air purifying respirator with high efficiency (HEPA) filtration.

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- h) Workers shall be provided with protective full body clothing. Such clothing shall consist of full body coveralls and headgear. Disposable protective clothing, headgear, and footwear shall be provided. Nondisposable footwear or clothing shall remain in the work area and shall be disposed of as contaminated material when the job is completed.
- i) Authorized visitors shall be provided with suitable respirators and instruction on the proper use of respirators whenever entering the work area (See Subsection (b),(e)).
- j) Authorized visitors shall be provided with suitable protective clothing, headgear, and footwear, as described in Section 855.80(h), whenever entering the work area.
- k) The decontamination and work procedures to be followed by workers, as described in Section 855.90, shall be provided and posted in the Equipment Room and the Clean Room.
- l) The Contractor shall post the following at the work site:
- 1) "Caution-Asbestos Hazard" signs in accordance with OSHA Regulation 29 CFR 1910.1001 shall be posted at every entrance to the building and at all internal doorways which provide access to the area in which the work will take place.
 - 2) A copy of the U.S. Environmental Protection Agency Regulations for Asbestos, 40 CFR 61 Subparts A and M and a copy of U.S. Department of Labor - OSHA Asbestos Regulations, 29 CFR 1910.1001, shall be posted in the clean room.
 - 3) A list of telephone numbers for local hospital and/or emergency squad, local fire department, the institution's security office (if applicable), a representative of the building owner who may be reached 24 hours a day, the contractor's headquarters, and any architects or other professional consultants directly involved in the project, shall be posted in the clean room.
 - m) Workers shall not be allowed to eat, drink, smoke, or chew gum or tobacco at the work site except in the clean room.

(Source: Amended at 13 Ill. Reg. 2768, effective February 16, 1989.)

Section 855.130 Work Area Preparation and Demolition of a Facility

- a) The Asbestos Abatement Contractor shall perform the following to prepare the work area:

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- 1)a) Post caution signs meeting the specifications of OSHA 29 CFR 1910.1001(g)(1)(ii) at any location and approaches to a location where airborne concentrations of asbestos may exceed ambient background levels. Signs shall be posted to permit a person to read the sign and take the necessary protective measures to avoid exposure before entering the work area. Additional signs may need to be posted following construction of workplace enclosure barriers.
- 2)b) Shut down and lock out electric power to all work areas. Provide temporary power and lighting and ensure safe installation of temporary power sources and equipment in accordance with the National Electrical Code (see Section 855.10(c)(6)). All power to work areas shall be brought in from outside the area through ground-fault interrupter at the source.
- 3)e) Shut down and isolate heating, cooling, and ventilating air systems to prevent contamination and fiber dispersal to other areas of the structure. Remove all HVAC system filters and place in labeled 6-mil polyethylene bags for disposal as asbestos-contaminated waste. Clean the filter assembly and duct work using HEPA vacuums or wet cleaning techniques.
- 4)d) Pre-clean movable objects within the proposed work areas using HEPA filtered vacuum equipment and/or wet cleaning methods as appropriate, and remove such objects from work areas to a temporary location. Carpeting shall be removed and disposed of as asbestos-contaminated waste. Upholstered furniture and drapes shall be HEPA vacuumed twice before removal from the work area.
- 5)e) Pre-clean fixed objects and specific equipment items which will remain within the proposed work areas, using HEPA filtered vacuum equipment or wet cleaning methods as appropriate, and enclose with 6-mil plastic sheeting sealed with tape.
- 6)f) Clean the proposed work areas using HEPA filtered vacuum equipment and/or wet cleaning methods as appropriate. Methods that raise dust, such as dry sweeping or vacuuming with equipment not equipped with HEPA filters, shall be prohibited. Asbestos-containing materials shall not be disturbed during the pre-cleaning phase.
- 7)g) Seal off all openings, including but not limited to windows, corridors, doorways, skylights, ducts, grills, diffusers, and any other penetrations of the work areas, with 6-mil plastic sheeting sealed with tape. Also seal all seams in system

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- 8)h) components that pass through the work area. Doorways and corridors which will not be used for passage during work must be sealed with barriers as described in Section 855.160.
- 8)h) Cover floor and wall surfaces with plastic sheeting sealed with tape. Use a minimum of two layers of 6-mil plastic on floors and two layers of 4-mil plastic on walls. Cover floors first so that plastic extends at least 12 inches up on walls, then cover walls with plastic sheeting to the floor level, thus overlapping the floor material by a minimum of 12 inches. The plastic shall be sized to minimize seams. Seams shall be staggered and separated by a distance of at least 6 feet. In hallways where asbestos materials are adjacent to lockers, sheeting shall extend to the top of the lockers.
- 9)i) Remove and clean ceiling-mounted objects such as light fixtures, electrical track, alarm systems, ventilation equipment and other items not previously sealed off, that interfere with asbestos material removal. Use localized water spraying or HEPA filtered vacuum equipment during fixture removal to reduce fiber dispersal.
- 10)j) Suspended ceiling tiles and T-grid components shall remain in place until the work area has been plasticized and worker and equipment decontamination enclosures are in place and then removed and disposed of as asbestos-contaminated waste.
- 11)k) Maintain emergency and fire exits from the work areas or establish alternative exits according to 41 Ill. Adm. Code 100.
- b) During demolition of a facility the Asbestos Abatement Contractor shall comply with the National Emission Standards for Hazardous Air Pollutants (40 CFR 61 and Occupational Safety and Health Administration (29 CFR 1910 and 1926). The building owner shall inform the Department in writing of the impending demolition.

(Source: Amended at 13 Ill. Reg. 2768, effective February 16, 1989)

Section 855.140 Worker Decontamination Enclosure System

The Contractor shall construct or provide a decontamination enclosure system in accordance with the following:

- a) Worker decontamination enclosure systems shall be provided at all locations where workers will enter or exit the work area. One system at a single location for each contained work area is preferred. These systems may consist of existing rooms outside of the work area,

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if the layout is appropriate, that can be enclosed in plastic sheeting and are accessible from the work area. When this situation does not exist, enclosure systems may be constructed out of metal, wood or plastic support as appropriate (See Appendix A₂, Illustration D).

- b) Worker decontamination enclosure systems constructed at the worksite shall utilize 6-mil opaque black or white polyethylene sheeting. Detailed descriptions of portable, pre-fabricated units shall be submitted for the Department's approval in accordance with Section 855.70. Plans shall include floor plan with dimensions, materials, size, thickness, plumbing and electrical utilities.
- c) The worker decontamination enclosure system shall consist of at least a clean room, a shower room, and an equipment room, separated from each other and from the work-area by airlocks.
- d) Entry to and exit from all airlocks and decontamination enclosure system chambers shall be through curtained doorways.
- e) Access between any two rooms in the decontamination enclosure system shall be through an airlock with at least 3 feet separating each curtained doorway. Pathways into (from clean to contaminated) and out from (contaminated to clean) the work area shall be clearly designated.

f) The clean room shall be sized to accommodate the clothes and equipment of the work crew. Benches shall be provided, as well as hooks for hanging up street clothes. Lockers may be provided for valuables; however, workers may be requested to secure valuables elsewhere. Shelves for storing respirators shall also be provided in this area. Clean work clothes (if required under disposables), clean disposable clothing, replacement filters for respirators, towels and other necessary items shall be provided in the clean room. A location for postings shall also be provided in this area. A lockable door shall be used to permit access into the clean room from outside the work area. This space shall not be used for storage of tools, equipment, or materials, or as office space.

g) The shower room shall contain one or more showers to accommodate workers. Each shower head shall be supplied with hot and cold water adjustable at the tap. The shower enclosure shall be constructed to ensure against leakage of any kind. Soap, shampoo and towels shall be supplied by the Contractor and shall be available at all times. Shower water shall be drained, collected and filtered through a system with at least 5.0 micron particle size collection capability. A system containing a series of several filters with progressively

smaller pore sizes shall be used to avoid rapid clogging of the filtration system by large particles. Filtered wastewater shall be discharged to a sanitary sewer.

- h) The equipment room shall be used for storage of equipment and tools at the end of a shift after decontamination using a HEPA filtered vacuum and/or wet cleaning techniques. Replacement filters (in sealed containers until used) for HEPA vacuums and negative pressure ventilation equipment, extra tools, containers of surfactant and other materials and equipment that may be required during the abatement may also be stored here as needed. A walk-off pan (such as a small children's swimming pool) filled with water shall be located in the work area just outside the equipment room for workers to clean off foot coverings after leaving the work area and to prevent excessive contamination of the worker decontamination enclosure system. A drum lined with a labeled 6-mil polyethylene bag for collection of disposable clothing shall be located in this room. Contaminated footwear (e.g. rubber boots and other reusable footwear) shall be stored in this area for reuse.

(Source: Amended at 13 Ill. Reg. 2768, effective February 16, 1989.)
Section 855.180 Commencement of Work

The Contractor shall not begin abatement work until the following requirements have been met:

- a) Enclosure systems shall be constructed and tested.
- b) All pre-abatement submissions, notifications, postings and permits shall be provided and are satisfactory to the Building Owner or the School Board.
- c) All equipment for abatement, cleanup and disposal shall be on hand.
- d) All worker training and licensing shall be completed.
- e) Arrangements shall be made for building security.
- f) The number of clearance air samples and the specific sample locations shall be established by the School Board or Building Owner in conjunction with the Air Sampling Professional before abatement activity begins (see Section 855.230).
- g) The Contractor shall receive written permission from the Building Owner to commence abatement. Such written permission shall be submitted to the Department attached with Appendix A, Illustration B.

(Source: Amended at 13 Ill. Reg. 2768, effective February 16, 1989.)

Section 855.220 Cleanup Procedures

The Contractor shall perform the cleanup in accordance with the following procedures:

- a) All visible accumulations of asbestos-containing material and asbestos contaminated debris shall be removed and containerized utilizing rubber dust pans and rubber squeegees. Metal shovels shall not be used to pick up or move accumulated waste.
- b) All surfaces in the work area shall be wet cleaned using rags, mops and sponges (first cleaning). To pick up excess water and gross wet debris, a wet-dry shop vacuum may be used. The vacuum will be contaminated and shall be decontaminated prior to removal from the work area.
- c) The cleaned outer layer of plastic sheeting shall be removed from walls and floors. Windows, doors, HVAC system vents and all other openings shall remain sealed. The negative pressure ventilation units shall remain in continuous operation. Decontamination enclosure systems shall remain in place and be utilized.
- d) After the first cleaning, the Contractor shall wait at least 24 hours to allow fibers to settle. Then all objects and surfaces in the work area shall be HEPA vacuumed and wet cleaned (second cleaning). The remaining plastic on walls and floors only shall be removed. The windows, doors, HVAC system vents and all other openings shall remain sealed.
- e) After the second cleaning, the Contractor shall wait 48 24 hours before wet cleaning and/or HEPA vacuuming all surfaces in the work area (third cleaning). The negative pressure ventilation units shall remain in continuous operation during the 48 24 hour settling period, and the third cleaning process.
- f) All containerized waste shall be removed from the work area and the holding area on a daily basis. The contractor may temporarily store asbestos containing materials in large metal, locked dumpsters or an enclosed truck at the abatement site. At the conclusion of the abatement project, all temporarily stored asbestos containing materials shall be removed from the abatement site and be transported to an Illinois EPA approved disposal location.
- g) All tools and equipment shall be removed from the work area and decontaminated in the equipment decontamination enclosure system.

- h) The Contractor shall inspect the work area for visible residue by wiping surfaces with a dark cloth. If any accumulation of residue is observed, the residue will be assumed to be asbestos and the 48 24 hour settling-period/cleaning-eyelet cleaning cycle/settling period shall be repeated.

(Source: Amended at 13 Ill. Reg. 2768, effective February 16, 1989.)

Section 855.240 Disposal Procedures

- a) Sealed and labeled containers of asbestos-containing waste shall be removed and transported to a prearranged disposal location.
- b) All dump receipts, trip tickets, transportation manifests and/or other documentation of disposal shall be delivered to the Building Owner for his records. A record-keeping format utilizing a chain-of-custody form shall include the names and addresses of the Building Owner, Contractor, pickup site, disposal site, the estimated quantity of the asbestos waste and the type and number of containers used. The form shall be signed by the Building Owner, the Contractor, and the Disposal Site Operator, as the material changes custody. If a separate hauler is employed, his name, address, telephone number and signature shall also appear on the form.
- c) The Contractor shall transport asbestos materials in accordance with the following procedures:
 - 1) Drums, bags and wrapped components that have been removed from the work area shall be loaded into an enclosed truck for transportation. Cargo areas shall be locked when unattended.
 - 2) The enclosed cargo area of the truck shall be free of debris and lined with 6-mil polyethylene sheeting to prevent contamination from leaking or spilled containers. Floor sheeting shall be installed first and extend up the side walls. Wall sheeting shall overlap by six (6) inches and be taped into place.
 - 3) Drums shall be placed on level surfaces in the cargo area and packed tightly together to prevent shifting and tipping. Large structural components shall not be placed on top of bags of asbestos-containing materials and shall be secured to prevent shifting. Containers shall not be thrown into the truck cargo area.
 - 4) Personnel loading asbestos-containing waste shall be protected by disposable clothing, including head, body and foot protection and, at a minimum, half-facepiece, air-purifying, dual cartridge

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respirators equipped with high efficiency filters.

- 5) Any debris or residue observed on containers or surfaces outside of the work area resulting from cleanup or disposal activities shall be immediately cleaned up using HEPA filtered vacuum equipment and/or wet methods.
- 6) Large metal dumpsters or enclosed cargo area of the truck used for asbestos waste disposal shall have metal doors or metal tops that can be closed and locked to prevent vandalism, wind dispersion of asbestos fibers, or other disturbance of bagged asbestos debris. Unbagged material and nonasbestos waste shall not be placed in these containers. Bags shall be placed, not thrown, into these containers to avoid spilling.
- 7) Asbestos-containing materials shall be transported directly to the landfill. Temporary storage at a location other than the abatement project shall not be permitted.

d) The Contractor shall dispose of asbestos materials in accordance with the following procedures:

- 1) Upon reaching the landfill, trucks shall approach the dump location as closely as possible for unloading of the asbestos-containing waste.
- 2) Bags, drums and components shall be inspected when off-loaded at the disposal site. Material in damaged containers shall be repacked in empty drums or bags.
- 3) Waste containers shall be placed on the ground at the disposal site, not pushed or thrown out of trucks (weight of wet material could rupture containers).
- 4) Personnel off-loading containers at the disposal site shall wear protective equipment consisting of disposable head, body and foot protection and, at a minimum, half-facepiece, air-purifying, dual cartridge respirators equipped with high efficiency filters.
- 5) Following the removal of all containerized waste, the truck cargo area shall be decontaminated using HEPA vacuums and/or wet methods. Polyethylene sheeting shall be removed and discarded in bags or drums along with contaminated cleaning materials and protective clothing once daily.

(Source: Amended at 13 Ill. Reg. 2768, effective February 16, 1989.)

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Section 855.260 Responsibilities of the Asbestos Project Manager, Air Sampling Professional, and Laboratory Services

a) Asbestos Project Manager

- 1) The Asbestos Project Manager shall submit to the Department evidence of successful completion of a training course and examination covering the practices and procedures for asbestos control equivalent in length and content to the EPA funded courses. The Asbestos Project Manager shall provide the Department evidence of one year, on-site, working experience in building construction projects or three months, on-site, working experience on asbestos abatement projects. Retraining for the Asbestos Project Manager shall include providing the Department with a certificate of an eight (8) hour (one day) annual refresher course of continuing education specifically covering the practice and procedures of asbestos.
- 2) Complete an application and submit it to the Department.
- 13) The Asbestos Project Manager shall be the Building Owner or a designated representative, and shall be responsible for carrying out the following activities:
 - A) Assist in decision making regarding selection of procedures.
 - B) Assist in writing contract specifications and variance requests for the abatement project(s).
 - C) Assist in evaluation of bids and selection of a contractor.
 - D) Enforce contract specifications.
 - E) Inspect and approve barriers and decontamination enclosure systems.
 - F) Observe project activities at all times during the course of abatement.
 - G) Meet with the Contractor daily to review work progress and solve problems or adjust procedures as appropriate.
 - H) Perform all workplace inspections and clearance inspections for the Building Owner.
 - I) Report on abatement activities to the Building Owner and/or School Board.

J) Request, review and maintain Contractor submittals according to Sections 855.60 and 855.180.

K) The Project Manager shall go inside the abatement project at least once every two hours to inspect ongoing removal of asbestos containing material.

24) The Asbestos Project Manager shall have the authority to stop any job activities not performed in accordance with contract specifications and any provisions of the rules of this Part. The Building Owner and Department shall be notified verbally, within 24 hours of the work stoppage, by the Asbestos Project Manager. A written report Violations shall follow be reported to the Building Owner with a description of the activity, reason for stoppage and possible means for correcting the problem.

Agency Note: The Asbestos Project Manager should be selected as early as possible prior to selection of the Contractor to enable participation during the pre-bid conference, walk-through, and pre-construction conference.

35) The Asbestos Project Manager shall keep a daily log of onsite observations concerning contractor's compliance with activities required under the rules of this Part. This log shall be legible and made available upon request at all times to the School Board or Building Owner, the architect/engineer and to appropriate local, State and federal agencies.

46) A comprehensive final report, consisting of daily-logs, observations, and air monitoring results, and contractor's submittals according to Sections 855.60 and 855.180 shall be submitted to the School Board or Building Owner, the Contractor, and the Department within 20 working days following final clearance testing.

b) Air Sampling Professional (ASP)

1) The Air Sampling Professional shall submit to the Department a resume indicating evidence of successful completion of NIOSH course #582 "Sampling and Evaluating Airborne Asbestos Dust" or a course equivalent in length and content, a Bachelor's Degree in the life, environmental or physical sciences or in engineering and three months of experience in general indoor air pollution sampling; or in lieu of Degree shall have twelve months of experience in air sampling for asbestos on abatement projects.

2) Complete an application and submit it to the Department.

13) The Air Sampling Professional shall conduct all air sampling for the School Board or Building Owner.

24) The ASP shall conduct air sampling in accordance with the (NIOSH) National Institute for Occupational Safety and Health Standard-Analytical-Method-for-Asbestos-in-Air-P&CAM-239-op Method 7400.

5) At any time, air sampling professional may analyze air monitoring samples collected for clearance purposes by Phase Contrast Microscopy (PCM) to confirm completion of removal, encapsulation, or enclosure of Asbestos containing building materials (ACBM) that is less than or equal to 160 square feet or 260 linear feet.

6) Until October 7, 1989, air sampling professional may analyze air monitoring samples collected for clearance purposes by Phase Contrast Microscopy (PCM) to confirm completion of removal, encapsulation, or enclosure of ACBM that is less than or equal to 3,000 square feet or 1,000 linear feet.

7) From October 8, 1989, to October 7, 1990, air sampling professional may analyze air monitoring samples collected for clearance purpose by PCM to confirm completion of removal, encapsulation, or enclosure of ACBM that is less than or equal to 1,500 square feet or 500 linear feet.

8) All projects larger than subsection (b)(6) and (b)(7) of this section shall be analyzed by Transmission Electron Microscopy (TEM). See Section 855.230 clearance air monitoring and analysis and October 30, 1987 Federal Register for more information.

39) The following schedule shall be utilized for air sampling during the project in addition to OSHA compliance monitoring:

A) Background air samples shall be collected prior to the start of abatement activities in order to determine background airborne fiber concentrations. Samples shall be taken both inside and outside of the work area to establish existing levels.

B) The following schedule of samples shall be required on a daily basis once abatement activities begin. The size of the abatement activity will have impact on the number of

samples necessary to monitor the Contractor's activities. The following are required minimums:

- i) 23 Area Samples inside the work area including worker and equipment decontamination enclosure systems,
- ii) 12 Personal Samples inside the work area,
- iii) 2 Area Samples outside the work area in uncontaminated areas of the building including one at the entrance to the worker decontamination enclosure,
- iv) 1-Area-Sample-outside-the-building
- iv) 1 Area Sample at the exhaust of negative pressure ventilation equipment.

C) Agency Note: Decisions on the number of samples should be made with the advice of the Air Sampling Professional.

410) Personal-and-Area sampling shall be conducted using collection media and procedures in accordance with NIOSH Standard Analytical Methods P & CAM 239 or NIOSH Method 7400. The selected air volumes shall provide statistically reliable results for a concentration of 0.01 f/cc or lower. Air samples shall be analyzed by Phase Contrast Microscopy.

511) Clearance air sampling shall be conducted following the cleaning phase of work (see Section 855.230). A sufficient number of samples shall be collected aggressively with portable fans circulating air in the work area to simulate actual use conditions to determine post-abatement air concentrations.

c) Laboratory Services

- 1) The laboratory utilized for analyzing air samples shall be a-participant proficient in the NIOSH Proficiency Analytical Testing (PAT) Asbestos Analyst Registry (AAR) program for asbestos analysis.
- 2) The period of time permitted between the collection of air samples and the availability of results shall be less than 24 hours for samples collected during abatement activities. Timetables for results of background and clearance air samples shall be established by the School Board or Building Owner.

d) Project Manager/Air Sampler Duties Combined

The Project Manager and Air Sampling Professional shall be two separate individuals for each project unless approved by the Department through a variance request.

(Source: Amended at 13 Ill. Reg. 2768, effective February 16, 1989)

Section 855.270 Operations and Maintenance

The School Board or Building Owner shall designate an Asbestos Material Manager for the school. The manager shall be responsible for the implementation of an operations and maintenance plan. The plan shall be instituted in every school identified as having asbestos-containing materials and shall be enforced at all times. The plan shall be written, in writing and meet the requirements of EPA (40 CFR 763) and OSHA (29 CFR 1926.58). A copy of the plan shall be submitted for approval to by the Department and shall include the following:

- a) Records. Asbestos-containing materials shall be inspected every six months. The inspector shall note any change of general condition, water damage, delamination, decay, vandalism, impact or other disturbance of the asbestos-containing materials. Additional inspections shall be conducted whenever repairs, renovations or other activities are conducted in areas containing asbestos-containing materials.
- b) Air Monitoring. Air monitoring may be conducted at the time of the visual inspection to determine and document the airborne levels of asbestos fibers.
- c) Identification. Asbestos-containing materials shall be identified by signs, color codes or other methods to inform maintenance personnel in the event that the materials must be disturbed.
- d) Repair Procedures. Licensed asbestos workers shall be utilized when asbestos-containing materials must be disturbed or cleaned up in order to make building repairs. The following procedures shall be followed when asbestos-containing materials must be disturbed in order to effect repairs.
 - 1) Shut down heating, cooling, or ventilating air systems to prevent fiber dispersal to other areas of the building.
 - 2) Seal off openings in the work area, including windows, doorways, vents, and any other openings, with 6-mil polyethylene sheeting and duct tape.
 - 3) Wear a respirator equipped with high efficiency filters and

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approved by the National Institute for Occupational Safety and Health (NIOSH).

- 4) Wear disposable full body coveralls and head gear.
- 5) Wet asbestos-containing materials with amended water a surfactant-(wetting-agent) before removal to reduce airborne fiber release.
- 6) Clean up work area using wet rags, mops or sponges, leaving no visible residue.
- 7) Seal asbestos-contaminated waste in 6-mil plastic bags and dispose of at a disposal site.

- e) Glovebag Technique Procedures. A glovebag may be used to remove small amounts of friable asbestos-containing materials from pipes, valves, and elbows. etc... when repairs are necessary. When glovebags are used, the Georgia Institute of Technology's "Glove-Bag Technique For Pipe-Lagging-Removal" (1985, Georgia Institute of Technology, Atlanta, Georgia--30332) shall be followed. (See Section 855.275)

(Source: Amended at 13 Ill. Reg. 2768, effective February 16, 1989)

Section 855.275 Glovebag Procedures

Glovebag procedures on pipe lagging shall be conducted using commercially available glovebags of 6-mil clear polyethylene, appropriately sized for the project. Glovebags may be shifted down a pipe or duct but shall not be moved from the initial pipe to another pipe. Glovebag procedures greater than 13 linear feet of pipe lagging shall require one (1) layer of 6-mil plastic tent containment area.

- a) All necessary tools and materials shall be brought into the work area before the glovebag procedure begins.
- b) The following schedule shall be utilized for air sampling during the project in addition to OSHA compliance monitoring:
 - 1) 1 personnel air sample for project that is greater than 3 hours duration.
 - 2) 2 area air samples.
 - 3) 1 area sample at the exhaust of negative pressure ventilation equipment.

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- 4) After first clean, wait 12 hours settling period. Then second clean, wait 24 hours settling period and final air clearance.

- c) Glovebag repair procedures shall be done by a minimum of two licensed asbestos workers trained in glovebag procedures and equipped with full personal protective equipment. Full personal protective equipment means the entire body is covered with disposable clothing including head, torso, arms, legs and feet. Hands may be left exposed to provide greater mobility. Respirator protection shall be provided and shall be a minimum of an air purifying respirator.

- d) The pipe insulation diameter worked shall not exceed one half the bag working length above the attached gloves.

- e) The ACM within the secured glovebag shall be wetted with amended water prior to stripping.

- f) The bag is to be attached securely around the insulation, forming a smooth seal. A gasket material may be inserted between the tape and bag to facilitate bag movement. The bag shall be securely attached to the insulation in a manner to prevent air transfer.

- g) The integrity of the glovebag seal shall be smoke tested. The contents of a smoke tube shall be aspirated through the water port access sleeve of the bag. After twist sealing the access sleeve, the bag shall be squeezed gently to check for leakage points, which are then taped airtight.

- h) If the pipe insulation adjacent to the section which will be worked on is damaged, or if the pipe insulation terminates, is jointed, or contains an elbow adjacent to the work section, the adjacent insulation shall be wrapped in 6 mil polyethylene sheeting and sealed airtight with duct tape.

- i) After the insulation has been repaired or removed, the unprotected pipe shall be sprayed with amended water and scrubbed with a bristle or nylon brush, to remove all visible ACM. The pipe, the interior of the bag, the insulation, and the tools shall then be sprayed with amended water. The enclosed atmosphere shall be misted and time allowed for the mist to settle out before breaking the seal to shift or remove the glovebag.

- j) Any exposed pipe insulation ends or repairs created by this procedure shall be:
 - 1) sealed with encapsulant prior to bag removal, or

- 2) thoroughly wetted before bag removal and sealed with wettable cloth and caps and spray glue or any combination of these materials immediately following bag removal or shifting.
- k) The glovebag shall be shifted in a manner to minimize air transfer from the bag and shall not be shifted more than 3 times per glovebag.
- l) The tools shall be pulled through with one or both glove inserts, thus turning the gloves inside out. The glove(s) is then twist sealed forming a new pouch, taped and severed mid-seal forming two separate bags.
- m) A HEPA vacuum shall be used for evacuation of the glovebag in preparation for removal of the bag from the pipe or duct, for clean-up in the event of a spill, and for post project clean-up.
- n) With the glovebag collapsed and the ACM in the bottom of the bag, the bag shall be twisted several times and taped to seal that section during bag removal.
- o) A 6-mil polyethylene bag shall be slipped around the glovebag while it is still attached to the pipe. The bag shall be detached from the pipe.
- p) The asbestos-contaminated waste, the clean-up materials, and protective clothing shall be wetted sufficiently, double-bagged minimizing air content, sealed separately, and disposed of in conformance with Section 855.240. The contractor is required to supply a respirator during an abatement project for his employees. The school district will provide a respirator for asbestos related work that the district is performing for general maintenance.
- q) The contractor or school (for maintenance employees) shall provide a minimum of air purifying respirators with dual (HEPA) filters and in compliance with OSHA (29 CFR 1926.58) and EPA (40 CFR 763, Subpart IV).

(Source: Added at 13 Ill. Reg. 2768, effective February 16, 1989)

Section 855.280 Fines and Penalties

- a) In addition to any other action authorized by the Act and rules of this Part, the Department may assess fines against the Contractor for violation of any provision of the Act or rules. The Department shall review each inspection report and stop work order according to criteria provided by this section to determine whether a fine will be assessed, the amount of any such fine, and whether each day of

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violation shall constitute a separate violation for purposes of fine assessment.

- b) The Department shall consider the following criteria independently and aggregately to determine whether a fine shall be assessed.
- 1) Whether a stop work order has been issued by the Department, and whether such order was strictly complied with by the Contractor.
- 2) Whether the Contractor has previously been cited for violation of the Act or rules, except that any previously cited violation shall not be considered if such violation was held to be unfounded or unapproved by a final order of the Department or by a court of competent jurisdiction.
- 3) Whether the violation is of such nature as to result in the possibility of injury or other harm to the environment, to the Contractor's agents or employees, to the Building Owner, users, or occupants, or to the general public.
- 4) Whether the violation appears to be the result of any degree of negligence by the Contractor or by the Contractor's agents or employees or by any other person subject to the Contractor's control or supervision.
- 5) Whether the Contractor demonstrated good faith efforts (e.g. taking steps to correct or agreeing to correct the cited violations) to correct the violation upon receipt of oral or written notice of the violation and whether such actions in fact corrected the violation.
- c) Criteria to determine the amount of a fine are the following, and all amounts determined pursuant to the criteria shall be added together to determine the total fine against the Contractor:

- 1) For each stop work order \$1,000, plus \$1,500 per work day during which such order is in effect and during which the condition upon which the order is based remains uncorrected.
- 2) For each violation which in the opinion of the Department may cause or result in harm or injury to the health or safety of agents or employees of the Contractor present at the work site \$100, multiplied by the number of such agents or employees present at the work site at any time on the date of violation (e.g. improper protective equipment under Section 855.80 or a contaminated clean room).

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- 3) For each violation which in the opinion of the Department may cause or result in harm or injury to the health or safety of the building owners, users, or occupants of the building \$100, multiplied by the number of such persons present at the work site or in the building at any time on the date of violation (e.g. a tear in a polyethylene barrier between a work area and an occupied area).
- 4) For each violation which in the opinion of the Department may cause or result in contamination with asbestos fibers of any part of the building other than the work site \$1,000 (e.g. a tear in a polyethylene barrier).
- d) Violation of any provision of the Asbestos Abatement Act or of any provision of the rules of this Part shall be issued as the following:
- 1) First violation - the contractor shall be issued a warning letter and a minimum fine of \$50 to a maximum fine of \$1,000.
- 2) Second violation - the contractor shall be issued a fine according to Section 855.280. The repeat violation fine will be a minimum of \$1,000 plus a fine according to this Section.
- 3) Third violation - the contractor shall be issued a notice of removal from the list of asbestos abatement contractors.
- de) Each day a violation exists shall constitute a separate violation.
- ef) The Department shall serve any notice of assessment of fine on the Contractor in the same manner as any notice of license revocation provided pursuant to the Act and this Part rules, and the Contractor shall have the same rights and opportunity for hearing as elsewhere provided pursuant to the Act and this Part rules. In the event the Contractor does not request a hearing within the time allowed by the Act and this Part rules, the fine assessed shall be due in full at the expiration of time allowed to request hearing.
- fg) All fine assessments which are upheld in whole or in part by final order of the Department shall be due in full at the conclusion of the time period for filing for administrative review pursuant to the Administrative Review Law (Ill. Rev. Stat. 1983, ch. 110, pars. 3-101 et seq.), unless the Contractor has within that time filed proceedings in administrative review specifically appealing the fine assessment and unless the court has stayed the enforcement of the fine assessment.

(Source: Amended at 13 Ill. Reg. 2768, effective February 16, 1989)

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Section 855.290 Asbestos Worker Licensing

- a) An asbestos worker shall be licensed by the Department prior to engaging in asbestos abatement activities. The Department shall issue an "Asbestos Worker License" to qualified applicants. Applicants who are at least eighteen (18) years of age shall qualify by submitting a certificate of completion of an approved asbestos abatement training course within one (1) year of submission of an application and by attaining a score of at least 70% on the examination required by Section 855.290(c). All licenses shall be valid for a period of two one 2 (1) years after issuance, and shall be renewed by February 1 of every second year. The licensee shall be charged a fee of \$15.00 for the issuance of a duplicate license.
- b) Application. Each person desiring licensure as an asbestos worker shall make application to the Department on forms provided by the Department. Each application shall be accompanied by a fee of \$25.00, which is nonrefundable. The application and any documents thereof shall be submitted and received by the Department 30 days prior to the scheduled examination.
- c) Examination. Each applicant for licensure shall pass a written examination of fifty (50) multiple choice questions administered by the Department, which concerns the topics contained in Section 855.300 prior to the issuance of a license. Each applicant who fails to attain a minimum 70% passing score on the examination shall submit a new application and additional \$25.00 fee to be eligible to sit for reexamination. Each applicant who fails to sit for written examination within twelve (12) months of submission of application and fee shall be deemed to have abandoned the application and fee and must submit a new application and fee to be eligible to sit for written examination. Examinations shall be administered by the Department at least three times per calendar year. An applicant may, with prior approval, be examined through an interpreter or reader. Prior approval shall be granted when an applicant cannot read or write in the English language.
- d) Reciprocity. Each applicant for licensure who is licensed or certified for asbestos abatement in another state may request the Department for licensure without written examination. The Department shall evaluate the requirements for licensure in such other state and shall issue the license without examination if the Department determines that the requirements for licensure in such other state are equal to or greater than the requirements for licensure in this State. Each applicant for licensure pursuant to this section shall submit application accompanied by a fee of \$25.00, which is

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nonrefundable.

- e) Renewal of License. Any license issued pursuant to these rules may be renewed if the licensee submits the application and fee as required by Section 855.290(b) and submits a certificate of completion from an approved training one day (8 hour) worker refresher course as required by Section 855.300(a) within thirty (30) days prior to expiration of the license.

- 1) A renewal application that is incomplete on January 1 will require the applicant to sit for a State asbestos examination to reactivate his/her license.

- 2) Every third year of renewal, the applicant will be required to sit for a State asbestos examination. This exam must be taken within one (1) year prior to renewal deadline. The licensee will be notified when this requirement is imposed.

(Source: Amended at 13 Ill. Reg. 2768, effective February 16, 1984)

Section 855.300 Training Requirements and Training Course Approval

- a) Asbestos workers shall complete a three-day approved training course prior to licensure and a one-day (8 hour) approved worker refresher course prior to license renewal, in accordance with this part and 52 FR 15880, 15881 and 15882 (April 30, 1987).

- b) Any educational institution or other entity may apply for approval of an a three-day asbestos abatement worker training course and a one-day (8 hour) worker refresher course by written application to the Department which includes:

- 1) The name and address of the sponsor planning to conduct the training course, the name of a contact person and telephone number;
- 2) A description of course location, course schedule, number of hours, dates, and course fees;
- 3) A detailed outline of the course curriculum and the amount of time allotted for each topic;
- 4) A description of the teaching methods to be used to present each topic, i.e., lectures, discussions, demonstrations and audio-visual materials.
- 5) Copies of written materials to be distributed including examination of fifty (50) multiple-choice questions for a

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three-day course. The one-day refresher course does not require examination;

- 6) A list of the types, brand names and quantities of respirators to be used to demonstrate and fit test respirators;
- 7) A description of the type and quantity of protective clothing to be used during hands-on demonstrations;
- 8) A description of the materials to be used for hands-on demonstrations other than those described in Subsection (b)(7);
- 9) A list of instructors and their qualifications;
- 10) The location of the training course including address where hands-on demonstrations will be conducted.
- 11) Instructor to student ratio for the classroom and hands-on demonstrations;
- 12) Example of a numbered certificate of successful completion of the course with an expiration date which will be one year after the completion.

A) Three-day training course certificates shall contain a statement indicating that the student passed the examination (minimum score of 70%).

B) One-day refresher course certificates shall not contain this statement since examination is not required.

- c) In order for a three-day training course to be approved, the applicant's course shall comply with the following and content requirements in Section 855.300(d):

- 1) The training course shall consist of a minimum of 15-hours (2 3 days) of instruction with a minimum an approximate ratio of 75% classroom time to 25% hands-on demonstrations.
- 2) The ratio of students to instructors in the classroom portion shall not exceed 25 to one. The ratio of students to instructors in hands-on demonstrations shall not exceed ten (10) to one.
- 3) An instructor shall have experience in both the performance and evaluation of air monitoring programs and the design and implementation of respiratory protection programs as documented.

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- 4) The sections of the course concerning the health effects of asbestos shall be taught by either a physician, a nurse, a health educator, or another health professional.
- 5) The hands-on demonstrations shall be taught by a person having experience supervising asbestos workers. This person shall have had direct experience in the phases of asbestos abatement work including work area preparation, construction of barriers, the use of personal protective equipment, engineering controls, work practices, cleanup, disposal and decontamination.
- 6) The sponsor shall employ staff experienced in the discipline of designing, implementing and evaluating programs in either employee educational programs in occupational health and safety or vocational education programs.
- d) Content of Training Course. The initial training course shall provide, at a minimum, information on the following topics:
 - 1) The physical characteristics of asbestos, including fiber size, aerodynamic characteristics and physical appearance.
 - 2) The health hazards of asbestos, including the nature of asbestos related diseases, routes of exposure, dose-response relationships, synergism between cigarette smoking and asbestos exposure, latency period for disease and health basis for standards.
 - 3) Employee personal protective equipment, including the classes and characteristics of respirator types; limitations of maintenance and storage procedures; inspection, donning, use, the facepiece-to-face seal (positive or negative pressure fitting tests); qualitative and quantitative fit testing procedures; variability between field and laboratory protection factors; factors that alter respirator fit (e.g., facial hair); components of a respiratory protection program; selection and use of personal protective clothing; use, storage and handling of launderable clothing, nonslip footwear, gloves, eye protection and hard hats.
 - 4) Medical monitoring procedures and requirements included under OSHA (29 CFR 1910.1001 and 29 CFR 1910.134).
 - 5) Air monitoring procedures and requirements included under OSHA (29 CFR 1910.1001), including a description of equipment and methods, reasons for air monitoring, types of samples and

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- current standards.
- 6) Work practices for asbestos abatement activities, including purpose, construction and maintenance of barriers and decontamination enclosure systems, posting of warning signs, electrical and ventilation system lock-out, proper working techniques for minimizing fiber release, use of wet methods and surfactants, use of negative pressure ventilation equipment, use of HEPA vacuums, and proper cleanup and disposal procedures. Work practice requirements as they apply to removal, encapsulation, enclosure and repair shall be discussed individually.
- 7) Personal hygiene, including entry and exit procedures for the work area, use of showers and prohibition of eating, drinking, smoking and chewing (gum or tobacco) in the work area.
- 8) Additional safety hazards that may be encountered during abatement activities and how to deal with them, including electrical hazards, heat stress, air contaminants other than asbestos, fire and explosion hazards, scaffold and ladder hazards, slips, trips and falls, confined spaces and noise.
- 9) The requirements, procedures and standards established by:
 - 40 CFR 61 Subparts A and M;
 - 29 CFR 1910.1001 and 29 CFR 1910.134;
 - 29 CFR 1926.58;
 - 40 CFR 763, and III;
 - 77 Ill. Adm. Code 855.
- 10) Supervisors' training - Supervisors shall receive additional instruction covering the following topics:
 - A) Contract specifications and bidding procedures, liability insurance and bonding, and legal considerations related to asbestos abatement.
 - B) Establishing respiratory protection programs, medical surveillance programs, and EPA, OSHA, and State record-keeping requirements.
- e) In order for a one-day refresher course to be approved, the applicant's course shall comply with the following and submittal requirements in Section 855.300(b).
 - 1) Applicant must be an approved sponsor or applicant of the

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three-day workers training course.

- 2) The ratio of students to instructors shall not exceed fifty (50) to one.
- 3) Instructors experienced as in Section 855.300(c) (3) through (6).
- 4) Content.
 - A) Review of key aspects of the three day course.
 - B) State-of-the-Art procedures and equipment.
 - C) Update of State and Federal regulations.
 - D) Demonstration to enhance the course where needed.

ef) The Department shall grant two types of approval:

- 1) Provisional approval shall be granted to a sponsor which has submitted materials concerning course content, teaching methods and instructors qualifications which meet the requirements as previously enumerated in Section 855.300 and 52 FR 15881 and 15882 (April 30, 1987). Provisional approval shall expire within six months. Instructors shall be approved in their area of expertise.
- 2) Complete approval shall be granted for two years after the Department has granted provisional approval, has conducted an onsite observation and evaluation of a training course in progress at an Illinois location, and has determined that the sponsor's asbestos abatement training course meets the requirements of Section 855.300.

(Source: Amended at 13 Ill. Reg. 2768, effective February 16, 1989)

Section 855.330 State Funding and Priority Establishment

a) Asbestos Abatement Grants

- 1) Eligibility. Educational facilities which have been inspected by the Department, found to have asbestos containing material and have received an order requiring removal, encapsulation or enclosure in accordance to Section 9b of the Act.

- 2) Application Process. Grant applications shall be supplied by the Department with each corrective action order. This

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application shall be completed and submitted to the Department with thirty (30) days after receipt of the corrective action order.

- 3) Funding Levels. Funding levels will be based on the following compensation and prioritization criteria.

A) Compensation. The amount of compensation will be determined by reference to the asbestos abatement grant index developed by the Illinois State Board of Education for public schools. THE GRANT INDEX FOR ANY PUBLIC SCHOOL DISTRICT IS EQUAL TO ONE MINUS THE RATIO OF THE DISTRICT'S EQUALIZED ASSESSED VALUATION PER PUPIL IN WEIGHTED DAILY AVERAGE ATTENDANCE TO THE EQUALIZED ASSESSED VALUATION PER PUPIL IN WEIGHTED DAILY AVERAGE ATTENDANCE OF THE DISTRICT LOCATED AT THE NINETEETH PERCENTILE FOR ALL DISTRICTS OF THE SAME TYPE. (111-Rev-Stat-1985, ch. 122, par. 1409(b) Section 9 b of the Act). Non-public schools shall receive compensation at a rate of 50% of the amount expended by the school for corrective action.

B) Prioritization. The funding priorities for asbestos abatement grant projects will be determined by the school inspection and hazard assessment pursuant to Section 855.30 and the corrective action orders pursuant to Section 855.40 for each area inspected. These priorities consist of Priority Ia for emergency corrective action orders, Priority Ib for immediate corrective action orders, Priority II for one year corrective action orders and Priority III for four year corrective action orders.

- 4) Suspension and Termination of Funding. The grant award shall be suspended for any violation of this Part until such time as the Department determines that the rules are being met. At any time appropriations are terminated, the Capital Development Board or Department shall terminate the grant.

- 5) Monitoring and Reporting. The Capital Development Board in conjunction with the Department, shall oversee the project to determine the safety and adherence to the rules of this Part.

- 6) Period of Obligation. The Department reserves the right to deny a grant when submitted at a time when it is impractical or impossible to comply with the time frames established in the order for correction actions, i.e. four years.

- b) Asbestos Abatement Reimbursements

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- 1) Eligibility. Educational facilities which have completed an asbestos abatement project are eligible to apply for reimbursement for those costs incurred during the project in accordance to Section 9a of the Act.
- 2) Application Process. Reimbursement applications shall be supplied by the Department. This application shall be completed and submitted to the Department in accordance with the time frames established by the Department.
- 3) Funding Levels - methods of compensation. Funding levels shall be based on the asbestos abatement grant index as developed by the Illinois State Board of Education. THE GRANT INDEX FOR ANY PUBLIC SCHOOL DISTRICT IS EQUAL TO ONE MINUS THE RATIO OF THE DISTRICT'S EQUALIZED ASSESSED VALUATION PER PUPIL IN WEIGHTED DAILY AVERAGE ATTENDANCE TO THE EQUALIZED ASSESSED VALUATION PER PUPIL IN WEIGHTED DAILY AVERAGE ATTENDANCE OF THE DISTRICT LOCATED AT THE NINETIETH PERCENTILE FOR ALL DISTRICTS OF THE SAME TYPE. Section 9 b of the Act. The method of compensation shall be 20% of the amount of reimbursement established for the public or non-public school district per year for five successive fiscal years.

(Source: Added at 13 Ill. Reg. 2768, effective February 16, 1989)
Section 855.340 Inspectors' List

- a) The Department shall prepare and maintain a list of accredited school inspectors. The list shall be made available to all School Boards or Building Owners and shall be used to select school inspectors. An accredited school inspector shall conduct the inspection of each educational facility.
- b) In order to qualify as a school inspector and be added to the Department's list of accredited school inspectors, an applicant shall:
 - 1) Have attended a US EPA approved course on Building Inspection and successfully completed the examination. A copy of the document verifying successful completion must be submitted to the Department. 52 FR 15881 (Column 3 par. 111)(April 30, 1987)
 - 2) Have a minimum of six months of experience inspecting buildings for asbestos-containing materials, or a minimum of one year and six months of experience in direct planning of construction projects and/or construction project inspection. Inspection experience is based on on-site experience, not total time employed. Submit evidence of experience in hours, not years or

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- months.
- 3) Have a high school degree or Graduate Education Degree certificate.
- 4) Submit a completed application which is provided by the Department.
- c) An inspector shall complete a half-day refresher course for annual re-accreditation by the Department. A copy of the training certificate shall be submitted to the Department for this purpose. (Federal Register April 30, 1987, page 15881, Col. 3, par. III.)
- d) The Department shall reserve the right to deny inclusion on, or remove an inspector from, the list of school inspectors. The applicant shall have fifteen days to make a written request for an administrative hearing to contest the Department's decision. The Department's decision shall be based upon the following reasons:
 - 1) The Applicant shall be denied inclusion on the list of school inspectors if he does not meet all requirements of subsection (b) of this Section.
 - 2) The inspector shall be removed from the list of school inspectors for:
 - A) Failure to complete an inspection.
 - B) Failure to fulfill all obligations of Section 855.345.
 - C) Failure to complete the refresher course as required in subsection(c).
 - D) Falsifying information on the application.

(Source: Added at 13 Ill. Reg. 2768, effective February 16, 1989)
Section 855.345 Procedures for School Inspections

- a) Scheduling Inspections. Contact the school to schedule an inspection date and time. Request that materials (floor plans, ladders) necessary to conduct the inspection be available at that time.
- b) Building Records. Review school building records for asbestos-containing building materials listed in building specifications. This review may be useful in determining those sites where asbestos-containing building materials are present or likely to

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be present.

c) Building Inspections.

- 1) A school inspector approved by the Department shall be onsite to inspect or supervise inspection of each educational facility.
- 2) Inspections shall be conducted only during non-school hours. Samples shall not be collected in areas where and at times when students or school personnel are present.
- 3) Visually inspect all areas of the school building including classrooms, cafeterias, auditoriums, gymnasiums, locker rooms, offices, hallways, tunnels, boiler rooms, mechanical rooms, above drop ceilings, crawl spaces, ventilation ducts, attics, basements, etc.
- 4) Identify and establish homogeneous sampling areas for friable and nonfriable materials.
- 5) Take a picture or pictures of materials sampled and damaged areas found. Identify locations where pictures were taken.
- 6) Complete the form "Building Inspection for Friable and Nonfriable Materials" for each school or facility. (See Appendix B, Illustration A.)

d) Sampling Friable and Nonfriable Materials

- 1) Calculate the area of each homogeneous friable and nonfriable surface (allow for beams, vaulted ceilings, etc.). If materials appearing uniform were installed at different times, designate the two materials as distinct homogeneous areas.
- 2) Draw a diagram for each homogeneous sampling area as described in subsection (h)(1) of this Section.
- 3) Determine random sample points using the method described in subsection (m) of this Section.
- 4) Collect a minimum of three samples for each homogeneous sampling area of less than 1,000 square feet. For areas from 1,000 to 5,000 square feet, collect a minimum of five samples. For homogeneous areas greater than 5,000 square feet, a minimum of seven samples is required.
- 5) If pipe and boiler insulation are in good condition (not friable), do not sample. The Superintendent of the school

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district may want to request a variance (Section 855.70) for the inspectors to sample material that is in good condition. Assume that those areas are asbestos containing and record as such. However, damaged pipe and boiler insulation are considered distinct sample areas, and three samples must be collected for each such homogeneous material found. Wall and ceiling tiles must also be sampled. Collect three samples from each homogeneous type of tile found. Pipe, pipe joints and boiler insulation are all different homogeneous areas. Do not sample as one homogeneous area.

- 6) Collect at least one bulk sample from each homogeneous area of patched thermal system insulation that is not assumed to be ACM if the patched section is less than 5 linear or square feet.
 - 7) Bulk samples are not required to be collected from any homogeneous area where the accredited inspector has determined that the thermal system insulation is fiberglass, foam glass, rubber, or other non-asbestos containing building materials.
 - 8) Miscellaneous materials. Collect in a manner sufficient to determine whether material is asbestos containing materials (ACM) or not asbestos containing materials. An accredited inspector shall collect bulk samples from each homogeneous area of friable miscellaneous material that is not assumed to be asbestos containing materials.
 - 9) Nonfriable suspected asbestos containing building materials (ACBM). If any homogeneous area of nonfriable suspected ACBM is not assumed to be ACM, then an accredited inspector shall collect, in a manner sufficient to determine whether the material is ACM or not ACM, bulk samples from the homogeneous area.
- e) Sampling Precautions
- 1) Sample friable materials with only necessary personnel present. Do not disturb the materials any more than necessary.
 - 2) Wear a NIOSH approved respirator equipped with high-efficiency filters when sampling friable materials or when moving ceiling tiles to access friable materials.
 - 3) Seal sampled materials with a clear, nonflammable encapsulant.
 - 4) Clean up any visible materials by wet mopping or by wiping with a damp cloth.

- 5) When carpet is present, place a plastic drop cloth under the sample point to facilitate easy clean up.
- 6) Dispose of contaminated materials (e.g. wiping cloths, mop heads) in sealed, labeled 6-mil plastic bags.

f) Sampling Procedures:

- 1) Spray the materials with a light mist of water to reduce fiber release during sampling.
- 2) Gently cut and remove a small core of the material penetrating all layers including any paint or protective coating. Wet-wipe any reusable instrument before reuse.
- 3) Place the sample in a whirl-pak plastic bag. Seal the bag and wipe the exterior with a damp cloth to remove any materials.
- 4) Label each bag with a sample ID number.
- 5) Seal the samples for each school in a second plastic bag.
- 6) Record each sample collected including the date, sampling location and ID number. Complete the form "Asbestos Bulk Analysts" and submit samples to a US EPA approved laboratory until the National Bureau of Standards develops an accreditation program. Thereafter, all bulk samples shall be analyzed by a NBS accredited laboratory.

g) Reporting. Submit to the Department with the Management Plan referenced in Section 855.355 one (1) copy of the inspection report which shall include a narrative description of building components and a completed "Building Inspection for Friable and Nonfriable Materials" form for each school inspected. Include photographs and sample area diagrams with sample locations. All photographs must be reproduced from negatives. Do not send photo copies of photographs. Each sample must have a photograph to show condition of the material.

- 1) To expedite the efficient review of the inspection reports, they shall be organized and submitted in the following order:
 - A) Each report shall be put in a 3-hole report cover. (Not a 3 ring binder.)
 - B) Identify the school district, school building, city and county on the front cover.
 - C) Assemble the report in the following order:

- i) Appendix B, Illustration A
- ii) Narrative Report
- iii) Each sample area:

Appendix B, Illustration B (2 pages) Identifying sample area; drawing to scale or dimension; indicate on plan where samples were taken; Photographs of material where samples were taken; Indicate the sample number which applies to each photo; Use the reference material to determine the number of samples required based on the square footage in the sampling area.

- 2) The inspection report will not be considered complete until bulk samples are received by an approved laboratory. A copy of the laboratory submittal sheets shall be included with the inspection report.

h) For each sampling area, prepare a diagram showing all friable and nonfriable materials in the sampling area. Construct the diagram on graph paper as follows:

- 1) Clearly indicate the approximate dimensions of all rooms, corridors, or other school building areas included in the diagram. If these measurements are not readily available, rooms will need to be measured using a tape measure or by pacing. Prepare the diagram approximately to scale. See Appendix B, Illustration C.
- 2) Distinguish between friable and nonfriable material areas of the sampling area and areas in the diagram that are not contained in the sampling area.
- 3) Draw on the diagram approximately to scale any of the following features that are found within the sampling area:
 - A) Damage caused by water or high humidity.
 - B) Damage due to vandalism, rough use, or other factors.
 - C) Patched or repaired material.
 - D) Areas that are inaccessible for the purpose of sampling the friable or nonfriable material.

- i) If one sampling area contains friable or nonfriable material areas that are not adjacent (for example, areas on different floors of the school building where the material is the same), sketch each separate area according to the above instructions. Place all sketches on the same graph, as closely together as possible. The sampling area may

contain areas that are not in the same plane (for example, a ceiling and a wall with the same type of friable or nonfriable material). In this case, sketch each flat surface according to the above instructions and place these sketches on the same graph, as close together as possible.

j) On each sampling area diagram, record the following information:

- 1) Sampling area identification (ID) number that distinguishes the sampling area from all others of the school building.
- 2) Brief description of the sampling area.
- 3) Area dimensions and scale.
- 4) Name and address of the school.
- 5) Name and telephone number of the school official contacted.
- 6) Name of inspector and date of inspection.
- 7) Name of person preparing the diagram and date prepared.

k) For piping, vent and boiler diagrams:

- 1) Draw a diagram which includes room dimensions and sample locations. See Appendix B, Illustration D.
- 2) Briefly describe sample locations.

l) Include these diagrams with the "Building Inspection" form.

m) Sampling Procedure

- 1) Divide the sampling area into 9 equally sized subareas. This is done by dividing the length and width of the sampling area into 3 equal lengths and 3 equal widths and drawing a grid over the diagram (see Appendix B, Illustrations C through G). This can be done carefully by eye. Exact measurements are not needed.
- 2) The diagrams in Appendix B, Illustration E show which subareas to use in order to follow a random sampling scheme. For the first area you intend to sample, number the 9 subareas as shown for sampling area #1 in this illustration. If three samples are needed, take them from the subareas marked 1, 2 and 3. If 5 samples are needed, take them from the subareas marked 1, 2, 3, 4 and 5, and so on. Take samples from approximately the center of a subarea; or as close as possible to the center if

inaccessibility, presence of light fixtures, etc., make the center location impractical. If a subarea is specified that falls entirely outside the sampling area, use the next specified subarea instead. For example, if subarea 3 falls outside the sampling area, take the third sample from subarea 4.

3) For very irregularly shaped areas, the sampling area may be divided into 9 approximately equally sized subareas that do not necessarily form a rectangular grid. The diagrams in Appendix B, Illustration E will then need to be adapted to the specific situation. Appendix B, Illustration F shows an example of a Y-shaped sampling area that was divided into 9 equally sized subareas. The first diagram of Appendix B, Illustration E was adapted accordingly to number the subareas. When adapting sampling diagrams, retain the order of the numbered subareas from left to right and top to bottom wherever possible.

4) For each sampling area, use a new diagram in Appendix B, Illustration E. If you have more than 18 sampling areas, start again at the top of this illustration (sampling area #1) to determine sampling locations for sampling area 19.

(Source: Added at 13 Ill. Reg. 2768, effective February 16, 1989)

Section 855.350 Management Planner Accreditation and Responsibilities

- a) The Department shall prepare and maintain a list of accredited management planners. The list shall be made available to all School Boards or Building Owners and shall be used to select a management planner.
- b) In accordance with 40 CFR 763, an accredited management planner shall prepare the asbestos management plan for an educational facility. This plan shall be prepared from the inspection report which contains the assessment done by the accredited inspector and the bulk sample analyses done by a US EPA approved laboratory. A list of EPA approved laboratories is available upon request from the Department.
- c) Qualifications of a management planner. In order to qualify as an accredited management planner, an applicant shall submit a completed application; attend an EPA approved course on Building Inspection and Management Planning and successfully complete the examinations (52 FR 15881 (Column 3 par. 111)(April 30, 1987))
- 1) Hold a valid Illinois architecture license, Illinois professional engineer license, Illinois structural engineer license, or industrial hygienist certificate, or

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- 2) Have a bachelor's degree or higher in architecture, engineering, mathematics or science; and meet the experience requirements of an accredited inspector, or
- 3) Have a bachelor's degree and two years of experience in asbestos inspections, instruction, project management, project design or other asbestos management and control activities.
- d) A management planner shall complete a half-day refresher course as required for inspectors plus an additional half-day refresher course on management planning for annual re-accreditation by the Department. A copy of the training certificates shall be submitted to the Department for this purpose. (52 FR 15881 (Column 3 par. 111) (April 30, 1987))
- e) Responsibilities of a management planner: A management planner shall develop the management plans for each school of his contract in accordance with Section 855.355.
- f) The Department shall reserve the right to deny inclusion on, or remove a management planner from, the Department's list of accredited school management planners. The applicant shall have fifteen days to make a written request for an administrative hearing to contest the Department's decision. The Department's decision shall be based upon the following reasons:
- 1) The applicant shall be denied inclusion on the list of school management planners if he does not meet all requirements of Subsection (c) of this section.
- 2) The management planner shall be removed from the list of school management planners for:
- A) Failure to complete a management plan.
- B) Failure to fulfill all obligations of Section 855.355.
- C) Failure to complete the refresher courses as required in Section 855.350(d).
- D) Falsifying information on the application.

(Source: Added at 13 Ill. Reg. 2768, effective February 16, 1989.)

Section 855.355 Management Plan

- a) In accordance with 40 CFR 763, each Local Educational Agency (LEA) shall submit to the Governor's designated state agency the management

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plan for each individual school, no later than October 12, 1988. The management plan shall comply with the management plan protocol in Section 855. Appendix B Illustration H and Illustration I.

- b) The management plan for each school building shall include:

- 1) Inspection report with assessment of each homogeneous area as required in Section 855.345.
- 2) Laboratory analysis report.
- 3) Response action plans for each homogeneous area of ACM in accordance with 40 CFR 763.90.

- 4) Operations and maintenance program for each homogeneous area of ACM until such time as it is removed.

- c) Any management plan submitted without all materials listed in subsection (b)(1)-(4) shall be considered incomplete and shall be returned to the LEA.

- d) The Department shall have 90 days to respond to the submitted management plan. The Department shall consider the following factors in deciding to approve or disapprove a management plan: the timeliness of submission, preparation by an accredited management planner approved by the Department, inclusion of an inspection report prepared by an accredited inspector approved by the Department, and inclusion of the materials required under subsection 855.355(b) above.

- 1) If the plan is not disapproved within this time, the LEA shall implement the plan.

- 2) If the plan is disapproved within this time, the LEA has 30 days to resubmit the plan. The Department may allow, in writing, an extension of an additional 60 days for resubmittal. The Department will consider the size of facilities, number of buildings and the degree to which the management plan fails to comply with the requirements of this Part, before granting an extension.

(Source: Added at 13 Ill. Reg. 2768, effective February 16, 1989.)

Section 855.360 Project Designer Accreditation and Responsibilities

- a) The Department shall prepare and maintain a list of accredited project designers. The list shall be made available to all School Boards or Building Owners and shall be used to select a project designer.

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- b) In accordance with 40 CFR 763, an accredited project designer shall plan the response actions to the ACM for the LEA.
- c) Qualifications of an abatement project designer. In order to qualify as an accredited abatement project designer, an applicant shall:

1) Have attended either the US EPA approved contractor/supervisor's four-day training course covering the practices and procedures for asbestos control or the three-day abatement project designer course and successfully completed the applicable examination. A copy of the documents verifying successful completion must be submitted to the Department. (52 FR 15881 (Column 3 par. 11) (April 30, 1987))

2) Have attended US EPA approved courses on Building Inspection and Management Planning and successfully completed the examination. A copy of the documents verifying successful completion must be submitted to the Department. (52 FR 15881 (Column 3 par. 11) (April 30, 1987))

3) Hold a valid Illinois Architecture license; Illinois Professional Engineer license, or an Illinois Structural Engineer License. Certified Industrial Hygienists may act as an asbestos project designers when a project design only applies to interior alterations of surface materials in an existing building which does not involve structural changes or changes to the electrical, heating, air conditioning, physical plant or associated piping. The project designer shall certify that the project design meets or exceeds all Federal, State, Local regulations and codes.

d) An abatement project designer shall complete a one-day refresher course on project design for annual re-accreditation by the Department. A copy of the training certificate shall be submitted to the Department for this purpose. (52 FR 15881 (Column 3 par. 11) (April 30, 1987))

e) Responsibilities of an abatement project designer:

1) The abatement project designer shall plan the abatement project in accordance with the response action of the management plans and all Federal and State rules governing such action (i.e., 40 CFR 61; 29 CFR 1910 and 1926 and this Part.

f) The Department shall reserve the right to deny inclusion on, or remove a project designer from, the list of school project designers. The applicant shall have fifteen days to make a written request for an administrative hearing to contest the Department's

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decision. The Department's decision shall be based upon the following reasons:

1) The Applicant shall be denied inclusion on the list of school project designers if he does not meet all requirements of Subsection (c) of this section.

2) The abatement project designer shall be removed from the list of school project designers for:

A) Failure to complete an abatement project.

B) Failure to complete the refresher course as required in Section 855.360(d).

C) Falsifying information on the application.

(Source: Added at 13 Ill. Reg. 2768, effective February 16, 1989.)

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Section 855, Appendix A
Section 855, Illustration B - Notice of Asbestos Abatement

Date: _____

This form is to be completed in full and filed by the Contractor with the Department and the School Board or the Building Owner at least two weeks before the start of an asbestos abatement project.

CONTRACTOR

NAME: _____
ADDRESS: _____

SCHOOL DISTRICT OR BUILDING OWNER

BUILDING OWNER: _____
DISTRICT NAME & NUMBER: _____
ADDRESS: _____
CITY: _____ STATE: _____ ZIP: _____ PHONE: () _____

BUILDING INFORMATION

SCHOOL BUILDING NAME: _____ PHONE: () _____
SCHOOL BUILDING ID#: _____ COUNTY: () _____
ADDRESS OF BLDG: _____
CITY: _____ STATE: _____ ZIP: _____
SIZE OF BLDG: _____ FT² _____
USE OF BLDG: _____

ABATEMENT INFORMATION

DESCRIPTION OF ASBESTOS CONTAINING MATERIAL: _____
APPROXIMATE AMOUNT OF ASBESTOS MATERIAL ON OTHER FACILITY COMPONENTS
(SQUARE FEET: IF NOT, SO STATE): _____
ABATEMENT TECHNIQUE: _____
ABATEMENT DATES START: _____ FINISH: _____
DISPOSAL SITE _____
LANDFILL NAME: _____
ADDRESS: _____
CITY: _____ STATE _____ ZIP: _____ PHONE: () _____

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ASBESTOS PROJECT MANAGER: _____ PHONE: () _____

AIR SAMPLING PROFESSIONAL: _____ PHONE: () _____

COPY OF SECTION 855.180(g): ABATEMENT PERMISSION FROM BUILDING OWNER

SIGNATURE OF CONTRACTOR: _____

(Source: Amended at 13 Ill. Reg. 2768 effective February 16, 1989)

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Less Than 1 ft. ☐ More Than 1 ft. - Less Than 5 ft. ☐
More Than 5 ft. ☐

Ventilation system:

Vents near friable material: Yes ☐ No ☐

Distance ☐ / ☐ / ☐ ft. Return Grille ☐ Supply Grille ☐

Air Movement: Heavy ☐ Moderate ☐ Low ☐

Activity and Movement:

Use of Room: _____

Activity: High ☐ Moderate ☐ Low ☐

What is above room? _____

What is adjacent to room? _____

Comments: _____

(Source: Added at 13 Ill. Reg. 2768, effective February 16, 1989)

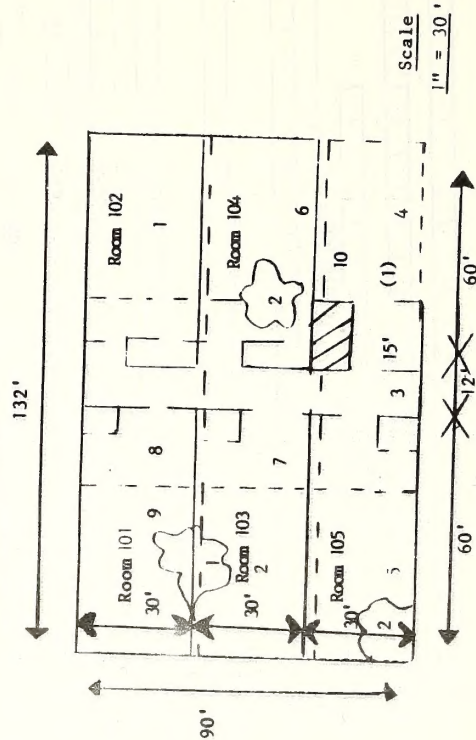
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Section 855. Appendix B

Section 855. Illustration C Sampling Area Diagram (Ceiling and Floor)

Descriptions
Classroom Annex (Constructed in 1962) Sampling Area ID #1
Friable Ceiling Material - First Floor Classroom
Gray textured spray finish
Stuccoed in appearance

All ceiling areas sketched below comprise sampling area (1), with one exception noted.



(1) Water Damage
(2) Ceiling broken and falling
(3) Stairwell ceiling not friable - not in sampling area (1)

(Measurements are
inside dimensions)

School: _____ School Official: _____
Address: _____ Telephone Number: _____
Inspector: _____ Diagram Prepared By: _____
Date of Inspection: _____ Date: _____

(Source: Added at 13 Ill. Reg. 2768, effective Feb. 16, 1989)

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Section 855. Appendix B

Section 855. Illustration D Sampling Area Diagram (Boiler Room)

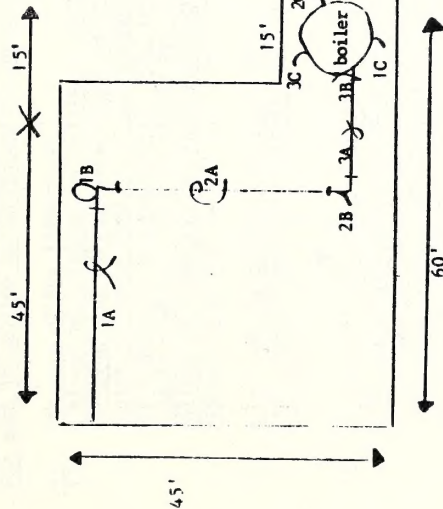
Description of Boiler Room

Construction 1937

Damaged friable pipe and boiler insulation

Grayish-white chalky material

Sampling Area ID # A, B, C

(Measurements are
inside dimensions)Each
should
be a

Sample Area "A" - Pipe Insulation

Sample Area "B" - Pipe Joints

Sample Area "C" - Boiler Insulation
and sampling area

Note: Do not sample the above as one sample area

School: School Official:

Address: Telephone Number:

Inspector: Diagram Prepared By:

Inspection Date: Date:

(Source: Added at 13 Ill. Reg. 2768, effective Feb. 16, 1989)

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Section 855. Appendix B

Section 855. Illustration E Random Sampling Table

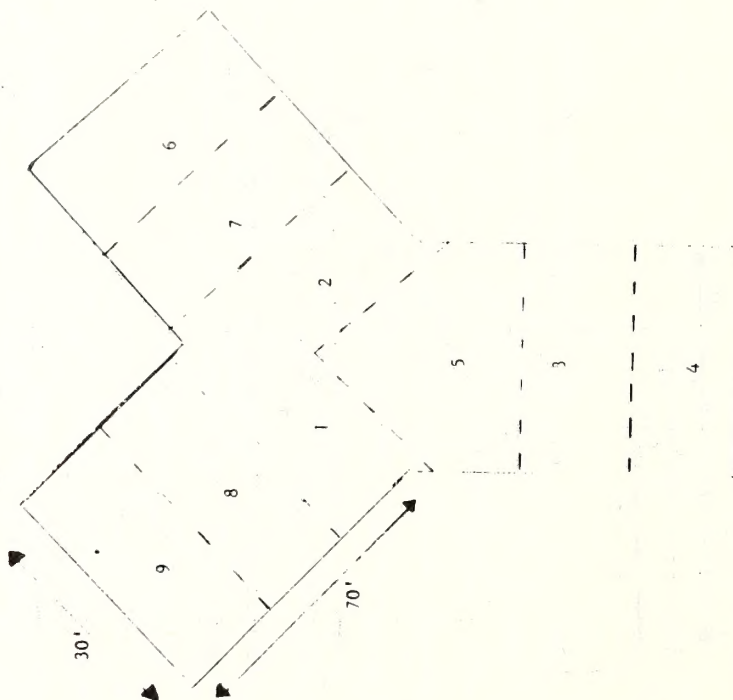
For each sampling area, take the first sample from the center of subarea marked 1, take the second sample from the center of the subarea marked 2, etc.

Sampling Area	Sampling Locations	Sampling Area	Sampling Locations	Sampling Area	Sampling Locations
1	9 8 1 2 7 5 9 3 4	7	5 8 1 4 3 6 2 7 9	13	8 5 2 3 6 9 7 1 4
2	8 7 1 3 9 5 4 2 6	8	5 7 1 6 3 4 2 8 9	14	4 1 6 3 9 7 8 5 2
3	4 1 7 2 9 6 8 5 3	9	3 6 4 9 2 7 5 8 1	15	3 5 6 9 2 8 7 4 1
4	6 1 8 5 9 3 2 7 4	10	5 7 3 8 1 6 2 9 4	16	4 8 3 2 5 9 7 1 6
5	6 4 3 1 5 8 9 2 7	11	5 1 6 3 4 9 7 8 2	17	8 2 7 4 5 3 1 9 6
6	7 4 3 6 1 5 2 9 8	12	7 1 9 2 4 5 6 8 3	18	2 5 9 6 1 8 4 7 3

(Source: Added at 13 Ill. Reg. 2768, effective Feb. 16, 1989)

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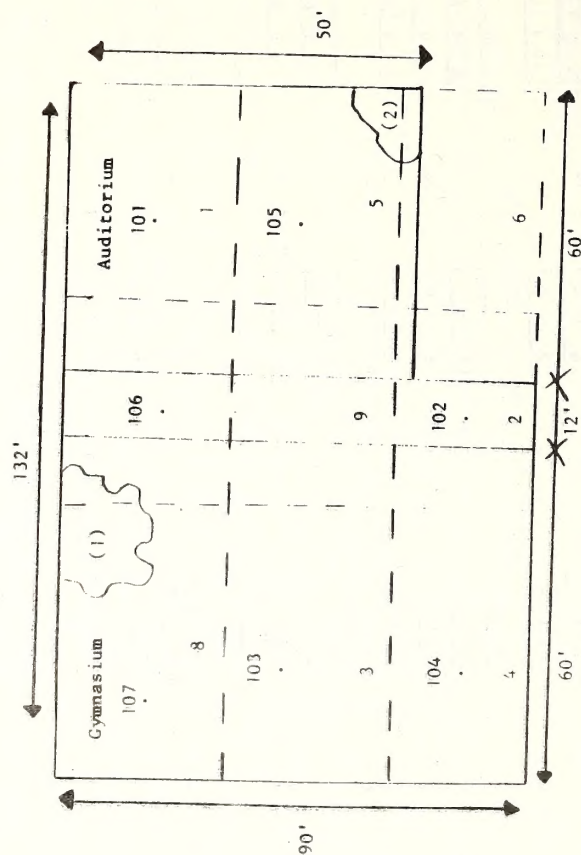
Section 855. Appendix B
Section 855. Illustration F Irregularly Shaped Random Sampling Area



(Source: Added at 13 Ill. Reg. 2768, effective Feb. 16, 1989.

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Section 855. Appendix B
Section 855. Illustration G Regular Shaped Random Sampling Area
Description:
Activity Center Annex (Construction in 1962)
Gray textured spray finish
Stuccoed in appearance
All ceiling areas sketched below comprise Sampling Area (2)



- (1) Water Damage
- (2) Ceiling broken and falling

School:

School Official:

Address:

Telephone Number:

Inspector:

Diagram Prepared By:

Inspection Date:

Date:

(Source: Added at 13 Ill. Reg. 2768, effective Feb. 16, 1989

Section 855-Appendix B

Section 855-Illustration H - Protocol for Asbestos Management Plan

- 1) A list of the name and address of each school building and whether the school building contains friable ACM, nonfriable ACM, and friable and nonfriable suspected ACM assumed to be ACM.
- 2) For each inspection conducted before the December 14, 1987:
 - i) The date of the inspection.
 - ii) A blueprint, diagram, or written description of each school building that identified clearly each location and approximate square or linear footage of any homogeneous or sampling area where material was sampled for ACM, and, if possible, the exact locations where each bulk sample was collected, date of collection, homogeneous areas where nonfriable suspected ACM is assumed to be ACM
 - iii) A copy of the analyses of any bulk samples, dates of analyses, and a copy of any other laboratory reports pertaining to the analyses.
 - iv) A description of any response actions or preventive measures taken to reduce asbestos exposure, including if possible, the names and addresses of all contractors involved, start and completion dates of the work, and results of any air samples analyzed during and upon completion of the work.
 - v) A description of assessment required to be made under §763.88, of material that was identified before December 14, 1987 as friable ACM or friable suspected ACM assumed to be ACM, and the name and signature, State of accreditation, and if applicable, accreditation number of each accredited person making the assessments.
- 3) For each inspection and reinspection conducted under §763.85:
 - i) The date of the inspection or reinspection and the name and signature, State of accreditation and, if applicable, the accreditation number of each accredited inspector performing the inspection or reinspection.
 - ii) A blueprint, diagram, or written description of each school building that identifies clearly each location and approximate square or linear footage of homogeneous areas where materials were sampled for ACM, the exact location where each bulk sample was collected, date of collection, homogeneous areas where friable suspected ACM is assumed to be ACM, and where nonfriable suspected ACM is assumed to be ACM.

- iii) A description of the manner used to determine sampling locations, and the name and signature of each accredited inspector collecting samples, the State of accreditation, and if applicable, his or her accreditation number.
- iv) A copy of the analyses of any bulk samples collected and analyzed, the name and address of any laboratory that analyzed bulk samples, a statement that the laboratory meets the applicable requirements of §763.87(a) the date of analysis, and the name and signature of the person performing the analysis.
- v) A description of assessments, required to be made under §763.88, of all ACM and suspected ACM assumed to be ACM, and the name, signature, State of accreditation, and if applicable, accreditation number of each accredited person making the assessments.
- 4) The name, address, and telephone number of the person designated under §763.84 to ensure that the duties of the local education agency are carried out, and the course name, and dates and hours of training taken by that person to carry out the duties.
- 5) The recommendations made to the local education agency regarding response actions, under §763.88(d), the name, signature, State of accreditation of each person making the recommendations, and if applicable, his or her accreditation number.
- 6) A detailed description of preventive measures and response actions to be taken, including methods to be used, for any friable ACM, the locations where such measures and action will be taken, reasons for selecting the response action or preventive measure and response action.
- 7) With respect to the person or persons who inspected for ACM and who will design or carry out response actions, except for operations and maintenance, with respect to the ACM, one of the following statements:
 - i) If the State has adopted a contractor accreditation program under section 206(b) of Title II of the Act, a statement that the person(s) is accredited under such plan.
 - ii) A statement that the local education agency used (or will use) persons who have been accredited by another State which has adopted a contractor accreditation plan under section 206(b) of Title II of the Act or is accredited by EPA-approved course under section 206(c) of Title II of the Act.

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- 8) A detailed description in the form of a blueprint, diagram, or in writing of any ACM or suspected ACM assumed to be ACM which remains in the school once response actions are undertaken pursuant to §763.90. This description shall be updated as response actions are completed.
- 9) A plan for reinspection under §763.85, a plan for operations and maintenance activities under §763.91, and a plan for periodic surveillance under §763.92, a description of the recommendation made by the management planner regarding additional cleaning under §763.91(c)(2) as part of an operations and maintenance program, and the response of the local education agency to that recommendation.
- 10) A description of steps taken to inform workers and building occupants, or their legal guardians, about inspections, re inspections, response actions, and post-response action activities, including periodic reinspection and surveillance activities that are planned or in progress.
- 11) An evaluation of the resources needed to complete response actions successfully and carry out reinspection, operations and maintenance activities, periodic surveillance and training.
- 12) With respect to each consultant who contributed to the management plan, the name of the consultant and one of the following statements:
- i) If the State has adopted a contractor accreditation plan under section 206(b) of Title II of the Act, a statement that the consultant is accredited under such plan.
- ii) A statement that the contractor is accredited by another State which has adopted a contractor accreditation plan under section 206(b) of Title II of the Act, or is accredited by an EPA-approved course developed under section 206(c) of Title II of the Act.
- (f) A local education agency may require each management plan to contain a statement signed by an accredited management plan developer that such person has prepared or assisted in the preparation of such plan or has reviewed such plan, and that such plan is in compliance with this Subpart E. Such statement may not be signed by a person who, in addition to preparing or assisting in preparing the management plan also implements (or will implement) the management plan.

(Source: Added at 13 Ill. Reg. 2768, effective February 16, 1989)

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Section 855.Appendix B
Section 855.Illustration I - Outline for Asbestos Management Plan

The management plan should be written to address all the requirements of the Asbestos Hazard Emergency Response Act as delineated in the Federal Register/Vol. 52, No. 210/Friday October 30, 1987/Rules and Regulations. However the level of detail and presentation format should be easily understood and followed by individuals with limited technical background and expertise. The following is the format to be used by management planners for local educational agency facilities in Illinois:

<u>Title Page:</u>	<u>Document title, name and address of facility, prepared by: date.</u>
<u>Policy Statement:</u>	<u>A policy or position statement should be included to define the position of the building owner and management planner. This shall be signed by both parties.</u>
<u>Document Summary:</u>	<u>Prepared in accordance with guidance contained in 40 CFR Part 763</u> <u>Procedure for updating the document (response action completion, interim 6 month and annual surveys).</u> <u>Responsible parties and certificates of documentation.</u>
<u>Table of Contents:</u>	<u>Sections and Appendices</u>
<u>Section I</u>	<u>General building description</u> <u>General facility layout</u> <u>History of asbestos detection and abatement efforts</u> <u>Summary of the building inspection, including inspection protocol, number of samples collected, analytical protocol, quality control, and a listing of areas where ACM (Asbestos Containing Material) was identified.</u>
<u>Section II</u>	<u>ACM functional characterization, assessment, and responses (each homogeneous functional area is addressed separately).</u> <u>Narrative description</u> <u>ACM physical assessment</u> <u>Hazard assessment</u> <u>Response action determined</u> <u>Health and safety measures.</u>
<u>Section III</u>	<u>Surveillance and Reinspection</u>

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6 month periodic surveillance, responsible personnel, tentative schedule, survey parameters, documentation provided
3 year reinspection, responsible personnel, tentative schedule, survey parameters, documentation provided.

Section IV

Training
Mandatory 2 hours training session for maintenance and custodial personnel, responsible individuals, course content, tentative schedule
Optional additional 14 hours for personnel potentially coming into contact with ACM, responsible individuals, course content documentation of training.

Section V

Operation and maintenance (include a policy statement of the intent to integrate O & M with response actions, and that contractors will accomplish all cleaning, recleaning, patch and spot repairs, etc.)
Posting requirements
Contingency plan for minor fiber release episodes and major fiber release episodes
Asbestos coordinator responsibilities
Method of notification
Documentation

Appendix A

Bulk sample results

Appendix B

Response action documentation, including location of response action for each functional area, type of response action (e.g., removal, cleaning), names and addresses of all contractors and relevant state accreditation/certification/licensing, starting and completion dates of the work, results of pre-, during, and post-abatement air sampling data, type and quality of material involved, disposal, cost.

Appendix C

Six month periodic surveillance records, including general description (visually surveyed for changes in material conditions), date of survey, and name of surveyor.

Appendix D

Three year reinspection records, including name and accrediting/certification/licensing of inspector, date of inspection, visual inspection summary assessment of material conditions (type and extent of damage, accessibility, etc.), record of any bulk samples collected with locations and analytical results.

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Appendix E

Training documentation, included certificates of 2-hour training courses for custodial and maintenance personnel, name of person who corrected the training, and additional training certificates for asbestos worker training program.

Appendix F

Management Plan availability, including copies of notices posted and dates of such posting.

The above format has been designed in such a way as to allow the inclusion of additional information as the asbestos program progresses. It should be recognized that the management plan, with its O & M component, is a dynamic document intended to inform the reviewer of the past history and the progress and accomplishment of the various response actions undertaken or be implemented. The appendices serve this function by permitting the insertion of new data and records as the program progresses. In this way, the document remains current without having to make major changes to the narrative text, which can become costly, inconvenient, and time consuming. This format also allows the management planner to design the forms.

(Source: Added at 13 Ill. Reg. 2768, effective February 16, 1989)

Section 855-Appendix C

Section 855-Illustration A - Application for the Accredited School Inspector's List

ID# FOR TYPH USE ONLY

ILLINOIS DEPARTMENT OF PUBLIC HEALTH
OFFICE OF HEALTH PROTECTION
525 WEST JEFFERSON STREET
SPRINGFIELD, ILLINOIS 62761

APPLICATION FOR THE ACCREDITED SCHOOL INSPECTOR'S LIST

Type or Print

APPLICANT NAME _____
HOME ADDRESS (Street) _____
CITY _____ STATE _____ COUNTY _____ ZIP CODE _____
HOME TELEPHONE _____ / _____
BIRTH DATE _____ / _____ SOCIAL SECURITY # _____ / _____
EMPLOYED BY _____
BUSINESS ADDRESS (Street) _____
CITY _____ STATE _____ COUNTY _____ ZIP CODE _____
BUSINESS TELEPHONE _____ / _____
MAJOR BUSINESS ACTIVITY _____

REFERENCES

NAME	ADDRESS	TELEPHONE
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____

I hereby certify that the information submitted is true and valid, and I understand that the Illinois Department of Public Health may deny my inclusion on or remove my name from the Department's list of approved School Inspectors for knowingly making false or fraudulent claims.

IMPORTANT NOTICE

THIS STATE AGENCY IS REQUESTING DISCLOSURE OF INFORMATION THAT IS NECESSARY TO ACCOMPLISH THE STATUTORY PURPOSE AS OUTLINED UNDER PUBLIC ACT 83-1325. DISCLOSURE OF THIS INFORMATION IS MANDATORY. FAILURE TO PROVIDE ANY INFORMATION COULD RESULT IN EXCLUSION FROM THE INSPECTOR'S LIST. THIS FORM HAS BEEN APPROVED BY THE FORMS MANAGEMENT CENTER.

Signature of Applicant _____ Date _____

IL 482-0730

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

(Applicant shall attach a copy of certificates received)

(Source: Added at 13 Ill. Reg. 2768, effective February 16, 1989)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

COMPLETE THIS PORTION OF THE APPLICATION IN DETAIL
GIVE ONLY INFORMATION RELATED TO BUILDING INSPECTION

EMPLOYED BY _____ JOB TITLE _____
ADDRESS _____ SUPERVISOR _____
CITY _____ STATE _____ ZIP CODE _____
DATES OF EMPLOYMENT / to / TELEPHONE /
(mo./yr.) (mo./yr.)

List and describe your duties and responsibilities.

EMPLOYED BY _____ JOB TITLE _____
ADDRESS _____ SUPERVISOR _____
CITY _____ STATE _____ ZIP CODE _____
DATES OF EMPLOYMENT / to / TELEPHONE /
(mo./yr.) (mo./yr.)

List and describe your duties and responsibilities.

EMPLOYED BY _____ JOB TITLE _____
ADDRESS _____ SUPERVISOR _____
CITY _____ STATE _____ ZIP CODE _____
DATES OF EMPLOYMENT / to / TELEPHONE /
(mo./yr.) (mo./yr.)

List and describe your duties and responsibilities.

ASBESTOS COURSE COMPLETED
Course Title _____ Conducted By _____ Date Completed _____
1. _____
2. _____

Section 855, Appendix C
Section 855, Illustration B - Application for the School Management Planner's List

ID# _____
FOR TOPR USE ONLY

ILLINOIS DEPARTMENT OF PUBLIC HEALTH
OFFICE OF HEALTH PROTECTION
525 WEST JEFFERSON STREET
SPRINGFIELD, ILLINOIS 62761

APPLICATION FOR THE SCHOOL MANAGEMENT PLANNER'S LIST

Type or Print

APPLICANT NAME _____

HOME ADDRESS (Street) _____ STATE _____ COUNTY _____ ZIP CODE _____

CITY _____

HOME TELEPHONE _____ / _____ (Area Code)

BIRTH DATE _____ / _____ SOCIAL SECURITY # _____ / _____

EMPLOYED BY _____

BUSINESS ADDRESS (Street) _____

CITY _____ STATE _____ COUNTY _____ ZIP CODE _____

BUSINESS TELEPHONE _____ / _____ (Area Code)

Attach a copy of your Illinois Architectural license. Illinois certificate of registration as a Professional Engineer, or National Certification as a Industrial Hygienist or a copy of your diploma with at least a Bachelor of Science in Engineering, Architecture, Mathematics or Science.

REFERENCES

	NAME	ADDRESS	TELEPHONE
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____

I hereby certify that the information submitted is true and valid, and I

understand that the Illinois Department of Public Health may deny my inclusion on or remove my name from the Department's list of approved Management Planners for knowingly making false or fraudulent claims.

Signature of Applicant _____ Date _____

IL 482-0630

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DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

COMPLETE THIS PORTION OF THE APPLICATION IN DETAIL
GIVE ONLY INFORMATION RELATED TO BUILDING INSPECTION

EMPLOYED BY _____ JOB TITLE _____
ADDRESS _____ SUPERVISOR _____
CITY _____ STATE _____ ZIP CODE _____
DATES OF EMPLOYMENT _____ to _____ TELEPHONE _____
(mo./yr.) (mo./yr.)

List and describe your duties and responsibilities.

EMPLOYED BY _____ JOB TITLE _____
ADDRESS _____ SUPERVISOR _____
CITY _____ STATE _____ ZIP CODE _____
DATES OF EMPLOYMENT _____ to _____ TELEPHONE _____
(mo./yr.) (mo./yr.)

List and describe your duties and responsibilities.

EMPLOYED BY _____ JOB TITLE _____
ADDRESS _____ SUPERVISOR _____
CITY _____ STATE _____ ZIP CODE _____
DATES OF EMPLOYMENT _____ to _____ TELEPHONE _____
(mo./yr.) (mo./yr.)

List and describe your duties and responsibilities.

(Source: Added at 13 Ill. Reg. 2768, effective February 16, 1989)

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DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 855. Appendix C
Section 855. Illustration C - Application for the School Project Designer's List

ID# _____
FOR IDPR USE ONLY

ILLINOIS DEPARTMENT OF PUBLIC HEALTH
OFFICE OF HEALTH PROTECTION
525 WEST JEFFERSON STREET
SPRINGFIELD, ILLINOIS 62761

APPLICATION FOR THE SCHOOL PROJECT DESIGNER'S LIST

Type or Print

APPLICANT NAME _____
HOME ADDRESS (Street) _____
CITY _____ STATE _____ COUNTY _____ ZIP CODE _____
HOME TELEPHONE _____ (Area Code) _____
BIRTH DATE _____ SOCIAL SECURITY # _____ /
EMPLOYED BY _____
BUSINESS ADDRESS (Street) _____
CITY _____ STATE _____ COUNTY _____ ZIP CODE _____
BUSINESS TELEPHONE _____ (Area Code) _____

Attach a copy of your Illinois Architectural license, Illinois certificate of registration as a Professional Engineer.

ASBESTOS COURSE COMPLETED

Course Title	Conducted By	Date Completed
1. _____	_____	_____
2. _____	_____	_____

I hereby certify that the information submitted is true and valid, and I understand that the Illinois Department of Public Health may deny my inclusion on or remove my name from the Department's list of approved Project Designers for knowingly making false or fraudulent claims.

Signature of Applicant _____ Date _____

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

IL 482-0730

(Source: Added at 13 Ill. Reg. 2768, effective February 16, 1989)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 855. Appendix C

Section 855. Illustration D - Application for the School Asbestos Abatement Project Supervisor's List

ID#

FOR IDPH USE ONLY

ILLINOIS DEPARTMENT OF PUBLIC HEALTH
OFFICE OF HEALTH PROTECTION
525 WEST JEFFERSON STREET
SPRINGFIELD, ILLINOIS 62761

APPLICATION FOR THE SCHOOL ASBESTOS ABATEMENT PROJECT SUPERVISOR'S LIST

Type or Print

APPLICANT NAME _____
HOME ADDRESS (Street) _____
CITY _____ STATE _____ ZIP CODE _____
HOME TELEPHONE _____ / _____ COUNTY _____
(Area Code)
BIRTH DATE _____ / _____ SOCIAL SECURITY # _____ / _____
EMPLOYED BY _____
BUSINESS ADDRESS (Street) _____
CITY _____ STATE _____ ZIP CODE _____
BUSINESS TELEPHONE _____ / _____ COUNTY _____
(Area Code)

Attach a copy of your Certificate along with the examination score from an EPA approved course for accreditation as a supervisor on an Asbestos Abatement Project.

ASBESTOS COURSE COMPLETED

Course Title	Conducted By	Date Completed
1. _____	_____	_____
2. _____	_____	_____

I hereby certify that the information submitted is true and valid, and I understand that the Illinois Department of Public Health may deny my inclusion on or remove my name from the Department's list of approved Project Designers for knowingly making false or fraudulent claims.

Signature of Applicant _____ Date _____

ILLINOIS REGISTER
DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

IL 482-0730

(Source: Added at 13 Ill. Reg. 2768, effective February 16, 1989)

Section 855, Appendix C
Section 855, Illustration E - Application for the Accredited Asbestos
Contractor's List

ID# _____
FOR DPH USE ONLY

ILLINOIS DEPARTMENT OF PUBLIC HEALTH
OFFICE OF HEALTH PROTECTION
525 WEST JEFFERSON STREET
SPRINGFIELD, ILLINOIS 62761

APPLICATION FOR ASBESTOS ABATEMENT CONTRACTOR'S LIST

Type or Print

BUSINESS NAME _____
HOME ADDRESS (Street) _____
CITY _____ STATE _____ ZIP CODE _____
BUSINESS TELEPHONE _____ / _____ COUNTY _____
(Area Code)
CONTACT PERSON _____ NUMBER OF EMPLOYEES _____
MAJOR BUSINESS ACTIVITY _____
(e.g. General Contracting, Insulating, etc.)
TYPE OF OWNERSHIP (Check)
____ Sole Proprietorship _____ Corporation _____ Trust
____ Partnership _____ Association _____ Other _____
(Specify) _____

LIST OF OFFICERS

	Name and Title	Address	SS#
1.			
2.			
3.			
4.			

ILLINOIS REGISTER

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DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

I hereby certify that the information submitted is true and valid, and I understand that the Illinois Department of Public Health may deny my company inclusion on or may remove my company from the Department's list of approved Asbestos Abatement Contractors for knowingly making false or fraudulent claims.

Signature of Owner/Officer _____

Date _____

IL 482-0730

(Source: Added at 13 Ill. Reg. 2768, effective February 16, 1989)

ILLINOIS REGISTER

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DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 855, Appendix C
Section 855, Illustration F - Application for the School Air Sampling Professional's List

ID# _____
FOR TOPH USE ONLY

ILLINOIS DEPARTMENT OF PUBLIC HEALTH
OFFICE OF HEALTH PROTECTION
ASBESTOS ABATEMENT PROGRAM
525 WEST JEFFERSON STREET
SPRINGFIELD, ILLINOIS 62761

APPLICATION FOR THE SCHOOL AIR SAMPLING PROFESSIONALS'S LIST

APPLICANT NAME _____

HOME ADDRESS (Street) _____

CITY _____ STATE _____ ZIP CODE _____

HOME TELEPHONE _____ / _____ COUNTY _____
(Area Code)

BIRTH DATE _____ / _____ SOCIAL SECURITY # _____ / _____

EMPLOYED BY _____

BUSINESS ADDRESS (Street) _____

CITY _____ STATE _____ ZIP CODE _____

BUSINESS TELEPHONE _____ / _____ COUNTY _____
(Area Code)

Attach a copy of your certificate of successful completion of NIOSH course #582 "Sampling and Evaluating Airborne Asbestos Dust," a bachelors degree in physical, environmental or life sciences or in engineering and three months of experience in general indoor air pollution sampling; or in lieu of Degree shall have twelve months of experience in air sampling for asbestos abatement projects.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

I hereby certify that the information submitted is true and valid, and I understand that the Illinois Department of Public Health may deny my inclusion on, or remove my name from the Department's list of accredited Air Sampling Professionals for knowingly making false or fraudulent claims.

Signature of Applicant _____ Date _____

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

COMPLETE THIS PORTION OF THE APPLICATION IN DETAIL
GIVE ONLY INFORMATION RELATED TO AIR SAMPLING PROJECTS

EMPLOYED BY _____ JOB TITLE _____
ADDRESS _____ SUPERVISOR _____
CITY _____ STATE _____ ZIP CODE _____
DATES OF EMPLOYMENT _____ to _____ TELEPHONE _____
(mo./yr.) (mo./yr.)

List and describe your duties and responsibilities.

EMPLOYED BY _____ JOB TITLE _____
ADDRESS _____ SUPERVISOR _____
CITY _____ STATE _____ ZIP CODE _____
DATES OF EMPLOYMENT _____ to _____ TELEPHONE _____
(mo./yr.) (mo./yr.)

List and describe your duties and responsibilities.

EMPLOYED BY _____ JOB TITLE _____
ADDRESS _____ SUPERVISOR _____
CITY _____ STATE _____ ZIP CODE _____
DATES OF EMPLOYMENT _____ to _____ TELEPHONE _____
(mo./yr.) (mo./yr.)

List and describe your duties and responsibilities.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

ASBESTOS COURSE COMPLETED

Course Title	Conducted By	Date Completed
1.		
2.		

(Applicant shall attach a copy of certificates received)

(Source: Added at 13 Ill. Reg. 2768, effective February 16, 1989)

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Client Financial Participation
- 2) Code Citation: 89 Ill. Adm. Code 562
- 3) Section Numbers: 562.30
Adopted Action: amendment
- 4) Statutory Authority: Sections 3(a), (b), and (k) of "AN ACT in relation to rehabilitation of disabled persons" (Ill. Rev. Stat. 1987, ch. 23, pars 3434(a), (b), and (k))
- 5) Effective Date of Rule(s) (Amendments, Repealer): February 17, 1989
- 6) Does this rulemaking contain an automatic repeal date?
Yes ☐ No ☒
- 7) Does this rule (amendment, repealer) contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: February 10, 1989
- 9) Notice of Proposal Published in Illinois Register:
March 4, 1988, 12 Ill. Reg. 4685
(issue date)
- 10) Has JCAR Issued a Statement of Objections to this (these) Rule(s)? No If answer is "yes," please complete the following:
 - A) Statement of Objection: (issue date), Ill. Reg. _____
 - B) Agency Response: (issue date), Ill. Reg. _____
 - C) Date Agency Response Submitted for Approval to JCAR:
- 11) Difference(s) between proposal and final version: No differences
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?
No agreements were necessary

DEPARTMENT OF REHABILITATION SERVICES

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER b: VOCATIONAL REHABILITATION

13) Will this rule replace an Emergency Rule(s) currently in effect? No

14) Are there any amendments pending on this Part: No

Section Numbers Proposed Action Illinois Register Citation

15) Summary and Purpose of Rule(s): These amendments revise the Standard Budget Allowance used in calculating the extent to which clients will share in the purchase of vocational rehabilitation services. The Standard Budget Allowance amounts are those which were recently established by the United States Department of Agriculture's hot lunch program.

16) Information and answers to questions regarding this adopted rule shall be directed to:

Ms. Leigh Reed
Regulations and Procedures Section
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429
Telephone number: (217) 785-3896
T.D.D.: (217) 782-5734

The full text of Adopted Rule(s) begins on the next page:

ILLINOIS REGISTER

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER b: VOCATIONAL REHABILITATION

PART 562

CLIENT FINANCIAL PARTICIPATION

- Section 562.10 General Applicability
- 562.20 Exclusions from Economic Needs Test
- 562.30 Financial Participation
- 562.40 Parental or Guardian Participation in Completing the Financial Analysis Form
- 562.50 Client Emancipation (Repealed)
- 562.60 Consideration of Settlements from Litigation or Other Sources
- 562.70 Refusal to Financially Participate
- 562.80 Timing of Financial Analysis
- 562.90 Annual Review of Financial Analysis
- 562.100 Exclusion for Public Aid Recipients (Repealed)
- Table A Determination Table for Client Participation

AUTHORITY: Implementing and authorized by Sections 3(a),(b), and (k) of "AN ACT in relation to rehabilitation of disabled persons" (Ill. Rev. Stat. 1987, ch. 23, pars. 3434(a),(b), and (k)).

SOURCE: Adopted at 9 Ill. Reg. 8763, effective June 10, 1985; amended at 11 Ill. Reg. 4021, effective February 18, 1987; amended at 11 Ill. Reg. 15223, effective August 31, 1987; amended at 11 Ill. Reg. 19127, effective November 9, 1987; amended at 12 Ill. Reg. 20827, effective November 30, 1988; amended at 13 Ill. Reg. 2866, effective February 17, 1989.

Section 562.30 Financial Participation

a) If the economic needs test has not been presumptively met, a financial analysis to evaluate the financial ability of the client or client's family to share in the purchase of Vocational Rehabilitation Services shall be applied to all Department of Rehabilitation Services' (DORS) services (as contained in 89 Ill. Adm. Code: Chapter IV, Subchapter b, "Vocational Rehabilitation") except the following:

- 1) diagnostic services, including the supportive services (89 Ill. Adm. Code 607) required for the diagnostic process to take place,

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 2) counseling, guidance, referral and placement (89 Ill. Adm. Code 612),
 - 3) interpreter, reader, attendant, and notetaker services,
 - 4) work adjustment training (89 Ill. Adm. Code 530.130(c)), including the work/study component of the nine month hearing impaired program at Northern Illinois University,
 - 5) on-the-job training (OJT), and
 - 6) "maintenance" (89 Ill. Adm. Code 602) and "other services" (89 Ill. Adm. Code 607) which are in support of an exempt service specified in subsections (a)(1) through (5) above.
- b) When the financial analysis indicates that the client, spouse, or parents of minor children are able to financially participate in the client's program, their participation is required.
- c) The financial analysis is based upon net available income, which is the client's and/or family unit's total income, minus total outgo.
- 1) Total income equals income earned and other assets plus any increases or decreases expected by the client for the twelve (12) months following completion of the Financial Analysis form (IL488-0265).
 - 2) Total outgo equals the Standard Budget Allowance plus unusual allowable expenses and child care expenses which the client expects to pay within the twelve (12) months following the completion of the Financial Analysis form.
 - 3) Net available income determines the dollar amount of client participation. (See Table A.)
- d) For the purposes of completing the Financial Analysis form, determining if economic need exists, and determining the amount of client participation, the following definitions/terms are applicable:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) The "Family Unit" refers to the client, spouse, parents or legal guardians of minor children, or other family members residing in the household who are designated as dependents on the client's, spouse's, or guardian's latest federal income tax return.
- 2) "Income" utilizes the definition of gross adjusted income as used by the U.S. Internal Revenue Service (26 CFR 1.62-1(a), (1986)). The rule incorporated by reference does not include any later amendments or revisions.
- 3) "Other Assets" means cash that is not included in "income" or assets which are anticipated to be converted to cash within the next twelve (12) months (e.g., Certificates of Deposit).
- 4) The "Standard Budget Allowance" (SBA) is the figure established by DORS to be a reasonable amount to cover all necessary expenses for a family unit of a specific size to maintain a modest standard of living.
- 5) "Unusual Allowable Expenses" are:
 - A) medical or other expenses (e.g., medical equipment, clothing expenses) related to the disability of the client or the disability of other family members (i.e., family unit) based on information provided by the client, and/or
 - B) post-secondary education expenses of other members of the family unit, or
 - C) expenses related to the purchase of a van, as set forth in 89 Ill. Adm. Code 597.200(b).
- 6) Child Care Expenses are:
 - A) expenses which the client expects the family unit to pay to afford the client, spouse, or legal guardian to be employed, or
 - B) anticipated child support payments if the child is, or will be claimed as a dependent.

- 1) The Heading of the Part: Guaranteed Loan Programs
- 2) Code citation: 23 Ill. Adm. Code 1720
- 3) Section numbers: 1720.140
1720.Appendix B
Adopted Action: Repealed
Repealed
- 4) Statutory Authority: Implementing P.A. 85-1398, effective July 1, 1988; authorized by Ill. Rev. Stat. 1987, ch. 122, par. 30-15.4(f).
- 5) Effective date of Amendments: February 16, 1989
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain an incorporation by reference? No
- 8) Date Filed in Agency's Principal Office: February 13, 1989
- 9) Notice of Proposal Published in Illinois Register:
September 23, 1988 12 Ill. Reg. 15047
- 10) Has JCAR issued a Statement of Objections to this rulemaking? No
- 11) Differences from the proposed version: No public comment was received and no substantive changes were made to the text of the proposed rules.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace emergency amendments currently in effect? Yes
- 14) Are there any amendments pending on this Part? Yes

Section Number	Proposed Action	Citation
23 Ill. Adm. Code 1720.6	Amendment	12 Ill. Reg. 18114
23 Ill. Adm. Code 1720.10	Amendment	12 Ill. Reg. 18114
23 Ill. Adm. Code 1720.20	Amendment	12 Ill. Reg. 18114
23 Ill. Adm. Code 1720.30	Amendment	12 Ill. Reg. 18114
23 Ill. Adm. Code 1720.40	Amendment	12 Ill. Reg. 18114
23 Ill. Adm. Code 1720.50	Amendment	12 Ill. Reg. 18114
23 Ill. Adm. Code 1720.60	Amendment	12 Ill. Reg. 18114
23 Ill. Adm. Code 1720.70	Amendment	12 Ill. Reg. 18114
23 Ill. Adm. Code 1720.75	Amendment	12 Ill. Reg. 18114
23 Ill. Adm. Code 1720.120	Amendment	12 Ill. Reg. 18114

DEPARTMENT OF REHABILITATION SERVICES
NOTICE OF ADOPTED AMENDMENTS

- e) Standard Budget Allowance
- 1) The Standard Budget Allowance is as follows:

NUMBER OF DEDUCTIONS CLAIMED ON TAX RETURN	\$ AMOUNT OF ALLOWANCE
1	\$40,000
2	\$10,175
3	13,690
4	17,205
5	20,720
6	24,235
7	27,750
8	31,265
	34,780
- 2) The SBA amount for a family of one is not applicable to a training case (89 Ill. Adm. Code 592); instead, determine the client's planned subsistence costs during a training program and use these as the budget basis.

(Source: Amended at 13 Ill. Reg. 2866, effective February 17, 1989)

STATE SCHOLARSHIP COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of Amendments: The amendments implement P.A. 85-1398 which eliminated the requirement that ISSC establish a formula which limits a lender's eligibility to sell loans to ISSC's secondary market.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Mr. Larry E. Matejka
Executive Director
Illinois State Scholarship Commission
106 Wilmot Road
Deerfield, Illinois 60015
(312) 948-8500

The full text of the Adopted Amendments begins on the next page:

STATE SCHOLARSHIP COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER IX: STATE SCHOLARSHIP COMMISSION

PART 1720
GUARANTEED LOAN PROGRAMS

SUBPART A: THE ILLINOIS GUARANTEED LOAN PROGRAM (IGLP),
PLUS PROGRAM, AND SUPPLEMENTAL LOANS FOR STUDENTS (SLS) PROGRAM

Section	Summary and Purpose
1720.5	Definitions
1720.6	Eligibility for ISSC Loan Guarantees
1720.10	Lender Eligibility
1720.20	Institutional Eligibility
1720.30	Procedures for Obtaining a Guaranteed Loan
1720.40	Procedures for Disbursement and Repayment
1720.50	Consolidation Loan/UnLoan Program
1720.55	Preclaim Assistance
1720.60	Reimbursement Procedures
1720.70	Cure Procedures
1720.75	Student Insurance Premium
1720.80	

SUBPART B: ILLINOIS DESIGNATED ACCOUNT PURCHASE PROGRAM (IDAPP)

Section	Summary and Purpose
1720.105	IDAPP Eligible Loans
1720.120	IDAPP Eligible Lenders
1720.130	IDAPP Purchase Formula (Repealed)
1720.140	

SUBPART C: ISSC ORIGINATED LOANS

Section	ISSC Originated Consolidation Loans
1720.200	

APPENDIX A	Required Activities of Educational Lenders
APPENDIX B	Alternate IDAPP Purchase Formula (Repealed)

AUTHORITY: Implementing Sections 30-15.10 et seq. of the Higher Education Student Assistance Law (Ill. Rev. Stat. 1987, ch. 122, pars. 30-15.10 et seq.), the Education Loan Purchase Program Law (Ill. Rev. Stat. 1987, ch. 122, pars. 30-15.14a et seq. as amended by P.A. 85-1398, effective July 1, 1988), Title IV, Part B, of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1071 et seq.); and authorized by Section 30-15.4(f) of the Higher Education Student Assistance Law (Ill. Rev. Stat. 1987, ch. 122, par. 30-15.4(f)).

STATE SCHOLARSHIP COMMISSION

NOTICE OF ADOPTED AMENDMENTS

SOURCE: Adopted at 3 Ill. Reg. 4, p.38, effective January 26, 1979; amended at 5 Ill. Reg. 8698, effective August 17, 1981; emergency rule and emergency repealer at 6 Ill. Reg. 7558, 7573, effective June 9, 1982 for a maximum of 150 days; new rules adopted at 6 Ill. Reg. 13799, effective October 25, 1982; old rules repealed at 6 Ill. Reg. 15254, effective December 3, 1982; emergency amendment at 6 Ill. Reg. 9942, effective August 8, 1983, for a maximum of 150 days; codified at 7 Ill. Reg. 13309; amended at 8 Ill. Reg. 876, effective January 9, 1984; amended at 8 Ill. Reg. 7286, effective May 18, 1984; amended at 8 Ill. Reg. 17006, effective September 5, 1984; amended at 9 Ill. Reg. 20796, effective January 1, 1986; amended at 11 Ill. Reg. 3181, effective January 29, 1987; emergency amendment at 11 Ill. Reg. 13669, effective August 5, 1987 for a maximum of 150 days; amended at 11 Ill. Reg. 14103, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 18142, effective October 23, 1987 for a maximum of 150 days; amended at 11 Ill. Reg. 20989, effective January 1, 1988; amended at 12 Ill. Reg. 6971, effective April 1, 1988; amended at 12 Ill. Reg. 15221, effective July 1, 1988; emergency amendment at 12 Ill. Reg. 11520, effective September 15, 1988, for a maximum of 150 days; emergency expired February 12, 1989; amended at 13 Ill. Reg. 2872, effective February 16, 1989

Section 1720.140 IDAPP Purchase Formula (Repealed)

a) In any calendar year, the number of accounts purchased from an IDAPP eligible lender may not exceed the total of:

- 1) 50% of the number of students receiving first-time loans from that eligible lender during the previous calendar year; and
- 2) 50% of the number of students receiving first-time loans whose parents or spouse did not have an account relationship with that eligible lender; and
- 3) 25% of the number of students who received a renewal loan from the eligible lender during the previous calendar year.

b) Alternate Eligibility Formula

- 1) An IDAPP eligible lender may elect to have its number of accounts eligible for purchase calculated in accordance with this subsection in lieu of subsection (a). The lender shall elect to have its purchase eligibility calculated under this subsection by notifying the ISSC, in writing, prior to April 1st of the calendar year for which purchase eligibility is being calculated.

STATE SCHOLARSHIP COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 2) For the purpose of calculating purchase eligibility under this subsection, the lender shall select a base year which shall not be earlier than calendar year 1980. Utilizing the base year identified by the lender, ISSC shall calculate the percentage of decline in total IGLP gross guarantee volume between the base year and the previous calendar year. If there is no decline in total IGLP gross guarantee volume between the two calendar years, the lender's purchase eligibility will be the same as the lender's base year purchase eligibility. If there has been a decline in total IGLP gross guarantee volume, the percentage is multiplied by the lender's base year purchase eligibility as determined by subsection (a). The resulting figure is added to the lender's base year eligibility to produce the lender's purchase eligibility.
- 3) The above formula is illustrated in Appendix B.
- c) Renewal loans purchased in accordance with Section 1720.120(f) shall not be included in the calculation established in subsections (a) and (b).
- d) Where the entire guaranteed amount of an IGLP loan was not disbursed, and the installments disbursed are submitted for purchase within 90 days from the end of the borrower's grace period, these loans shall not be included in the calculations established in subsections (a) and (b). This exemption does not apply if the total number of loans purchased by IDAPP in the current calendar year is less than 50% of the lender's purchase eligibility.
- e) Lenders who provide the ISSC a line of credit shall have their purchase eligibility, as established by either subsection (a) or (b), increased in accordance with the following formula: (Value of line of credit X .25) : 3500 = increased number of accounts eligible for purchase.
- f) Any lender who acquires IGLP loans from another IGLP lender shall have their purchase eligibility, as established by either subsection (a) or (b), increased in accordance with the following formula: (dollar value of loans acquired : dollar value of the buying lender's IGLP portfolio) X 100 = per cent of increased purchase eligibility.
- 1) For the five calendar years following the portfolio transfer, the purchasing lender shall have their base purchase eligibility, as established by this Section, increased by the percentage resulting from the above calculation.
- 2) Prior to the portfolio transfer, the lender should contact the ISSC for calculation of the percentage increase in purchase eligibility.

(Source: Repealed at 13 Ill. Reg. 2872, effective February 16, 1989)

STATE SCHOLARSHIP COMMISSION

NOTICE OF ADOPTED AMENDMENTS

Section 1720. APPENDIX B Alternate IDAPP Purchase Formula (Repealed)

- a) The formula at Section 1720.140(b) may be illustrated as follows:-
- 1) $[(BYV - PVV) : BYV] \times 100 = \%VD$
 - 2) $(\%VD \times BYE) + BYE = \text{maximum purchase eligibility}$
- b) The formula abbreviations are as follows:-
- 1) $BYV = \text{Base Year total gross IGLP guarantee Volume}$
 - 2) $PVV = \text{Previous calendar Year total gross IGLP guarantee Volume}$
 - 3) $\%VD = \text{Percentage of IGLP Volume Decrease}$
 - 4) $BYE = \text{Base Year Eligibility as determined by Section 1720.140(a)}$
- c) Example: Lender selects 1984 as the base year. Lender's 1984 maximum purchase eligibility, per Section 1720.140(a), was 28 accounts. The total gross volume of IGLP loan guarantees in 1984 was 178,488.
- 1) 178,488 total 1984 IGLP guarantees
- 156,025 total 1986 IGLP guarantees
22,463 total volume decline
 - 2) $(22,463 : 178,488) \times 100 = 12.6\%$ decline in IGLP guarantee volume between 1984 and 1986
 - 3) $(.126 \times 28) + 28 = 31.528$ or 32 (rounded to the nearest whole number)
 - 4) Lender's purchase eligibility for calendar 1987 is 32 accounts.
- d) Total gross IGLP guarantee volume by calendar year:-
- 1) 1980 138,201
 - 2) 1981 186,829
 - 3) 1982 135,363
 - 4) 1983 163,352
 - 5) 1984 178,488
 - 6) 1985 181,356
 - 7) 1986 156,025

(Source: Repealed at 13 Ill. Reg. 2872, effective February 16, 1989)

ILLINOIS REGISTER

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

- 1) THE HEADING OF THE PART: Designation of Restricted Waters in the State of Illinois

- 2) CODE CITATION: 17 Ill. Adm. Code 2030

- 3) SECTION NUMBERS
2030.60
EMERGENCY ACTION
New Section

- 4) STATUTORY AUTHORITY: Implementing and authorized by Sections 5-7 and 5-12 of the Boat Registration and Safety Act (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 315-7 and 315-7.5).

- 5) EFFECTIVE DATE OF AMENDMENTS: February 21, 1989

- 6) IF THIS EMERGENCY AMENDMENT IS TO EXPIRE BEFORE THE END OF THE 150-DAY PERIOD, PLEASE SPECIFY THE DATE ON WHICH IT IS TO EXPIRE:
These emergency amendments will remain in effect for the 150-day period.

- 7) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: February 17, 1989

- 8) REASON FOR EMERGENCY To protect an active Bald Eagle nest from undue disturbances.

- 9) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED:

A mated pair of Bald Eagles have established a nest near the designated section of Big Grand Pierre Creek. The United States Forest Service and the United States Fish and Wildlife Service, pursuant to the Bald and Golden Eagle Protection Act, the Federal Endangered Species Act, and the Migratory Bird Treaty Act have requested that the Illinois Department of Conservation immediately designate the one-half mile portion of Big Grand Pierre Creek as a Slow, No Wake zone in order to minimize disturbance of the nesting eagles, as past experience has demonstrated that nesting eagles will abandon the nest if disturbed. Pursuant to the Illinois Endangered Species Act and the inter-governmental agreement between the U.S. Fish and Wildlife Service and the Illinois Department of Conservation, the Department has a duty to protect the eagles and encourage their nesting efforts. Protection of the national symbol of the United States of America, and encouraging successful reproduction of this endangered species is in the public's interest.

- 10) ARE THERE ANY PROPOSED AMENDMENTS TO THIS PART PENDING? No

- 11) STATEMENT OF STATEWIDE POLICY OBJECTIVES (if applicable): This rule has no impact on local governments.

- 12) INFORMATION AND QUESTIONS REGARDING THESE AMENDMENTS SHALL BE DIRECTED TO:

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

Jack Price
Lincoln Tower Plaza
524 S. Second Street
Springfield, Illinois 62701-1787

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER e: LAW ENFORCEMENT

PART 2030

DESIGNATION OF RESTRICTED WATERS IN THE STATE OF ILLINOIS

Section

2030.15 Designation of Restricted Waters by the Department of Conservation
2030.20 Region 1 - Designated Restricted Boating Areas
2030.30 Region 2 - Designated Restricted Boating Areas
2030.40 Region 3 - Designated Restricted Boating Areas
2030.50 Region 4 - Designated Restricted Boating Areas
2030.60 Region 5 - Designated Restricted Boating Areas
EMERGENCY

AUTHORITY: Implementing and authorized by Sections 5-7 and 5-12 of the Boat Registration and Safety Act (Ill. Rev. Stat. 1987, ch. 95½, pars. 315-7 and 315-7.5).

SOURCE: Adopted at 5 Ill. Reg. 8763, effective August 25, 1981; codified at 5 Ill. Reg. 10617; amended at 9 Ill. Reg. 4789, effective April 2, 1985; amended at 11 Ill. Reg. 9519, effective May 5, 1987; emergency amendments at 12 Ill. Reg. 8745, effective May 15, 1988, for a maximum of 150 days; emergency amendments expired September 20, 1988; emergency amendments at 12 Ill. Reg. 12111, effective July 6, 1988, for a maximum of 150 days; emergency expired December 12, 1988; amended at 12 Ill. Reg. 16707, effective September 30, 1988; amended at 12 Ill. Reg. 20472, effective November 28, 1988; emergency amendments at 13 Ill. Reg. 2878, effective February 21, 1989, for a maximum of 150 days.

Section 2030.60 Region 5 - Designated Restricted Boating Areas

EMERGENCY

That portion of Big Grand Pierre Creek in Pope County from its mouth at the Ohio River to a point one-half mile upstream is designated Slow, No Wake from January 1 through August 31.

(Source: Emergency Rule added at 13 Ill. Reg. 2878, effective February 21, 1989, for a maximum of 150 days.

THE FULL TEXT OF THE EMERGENCY AMENDMENTS BEGINS ON THE NEXT PAGE:

DEPARTMENT OF TRANSPORTATION

NOTICE OF WITHDRAWAL OF PROPOSED REPEALER

1) The Heading of the Part: Vehicle Inspection Stations Governing School Buses

2) Code Citation: 92 Ill. Adm. Code 452

3) Section Numbers: Proposed Action:

452.10, 452.20, 452.30, 452.40, Withdrawal
 452.50, 452.60, 452.70, 452.80, Withdrawal
 452.90, 452.100, 452.110, 452.120, Withdrawal
 452.130, 452.150, 452.160, 452.170, Withdrawal
 TABLE A, TABLE B, TABLE C, TABLE D, Withdrawal
 TABLE E, EXHIBIT A Withdrawal

4) Date Notice of Proposed Repealer Published in the Illinois Register:

October 14, 1988, 12 Ill. Reg. 16447
 (issue date)

5) Reason for the withdrawal:

At this time, the Department is withdrawing this proposed repealer in order that the publication and filing of the new rules on "Vehicle Inspections" coincide with the publication and filing of the repealer. Elsewhere in this issue of the Illinois Register, the Department is withdrawing the proposed new rules on "Vehicle Inspections" because the Department intends to publish a more thorough description of the subjects and issues involved.

DEPARTMENT OF TRANSPORTATION

NOTICE OF WITHDRAWAL OF PROPOSED RULES

1) The Heading of the Part: Vehicle Inspections

2) Code Citation: 92 Ill. Adm. Code 451

3) Section Numbers: Proposed Action:

451.10, 451.20, 451.30, 451.40, Withdrawal
 451.50, 451.60, 451.70, 451.80, Withdrawal
 451.90, 451.100, 451.110, 451.120, Withdrawal
 451.130, Appendix A, Appendix B, Withdrawal
 Appendix C, Appendix D, Appendix E, Withdrawal
 Appendix F, Appendix G, Illustration A, Withdrawal
 Illustration B Withdrawal

4) Date Notice of Proposed Rules Published in the Illinois Register:

October 14, 1988, 12 Ill. Reg. 16536
 (issue date)

5) Reason for the withdrawal:

At this time, the Department is withdrawing the proposed rules entitled "Vehicle Inspections," because the Department intends to publish a more thorough description of the subjects and issues involved. The Department is also making minor, nonsubstantive corrections to the text of the rule which were not included in the original proposed text.

NOTICE OF CODIFICATION CHANGES

- 1) Heading of the Part: Public Information, Rulemaking and Organization
- 2) Code Citation: 2 Ill. Adm. Code 2500
- 3) Effective Date of Amendments: December 8, 1988
- 4) Date Adopted Rule Appeared in the Illinois Register: 12 Ill. Reg. 22210, December 23, 1988
- 5) Pursuant to Section 7(b) of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1985, ch. 127, par. 1007(b)), the Administrative Code Division has made the following changes in the codification of the above named rule: The amended pages published in the Illinois Register and filed with the Administrative Code Division inadvertently omitted the Subpart headings. New pages have been supplied for filing purposes.

The above changes have been made to the rule which is on file in the Administrative Code Division of the Illinois State Library, Office of the Secretary of State. These changes do not affect the validity of the rule nor the date on which it became effective

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of February 14, 1989 through February 17, 1989 and have been scheduled for review by the Committee at its April, 1989 meeting. Other items not contained in this published list may also be considered by the Joint Committee at its April meeting. Members of the public wishing to express their views with respect to a proposed rule should submit written comments to the Joint Committee at the following address: Joint Committee on Administrative Rules, 509 South Sixth Street, Room 500, Springfield, IL 62701.

Second Notice Expires	Agency and Rule	Start of First Notice	Scheduled for Consideration by JCAR
3/31/89	Department of Conservation, The Taking of Wild Turkeys- Spring Season (17 Ill. Adm. Code 710)	12/23/88 12 Ill. Reg. 20993	April, 1989
3/31/89	Pollution Control Board, Effluent Standards (35 Ill. Adm. Code 304)	11/14/88 12 Ill. Reg. 18092	April, 1989
3/31/89	Department of Revenue, Alcoholic Liquor-Hearings; Repeal of (86 Ill. Adm. Code 425)	12/2/88 12 Ill. Reg. 19976	April, 1989
3/31/89	Department of Revenue, Cigarette Tax Act-Hearings; Repeal of (86 Ill. Adm. Code 445)	12/2/88 12 Ill. Reg. 19981	April, 1989
3/31/89	Department of Revenue, Cigarette Use Tax Act-Hearings Repeal of (86 Ill. Adm. Code 455)	12/2/88 12 Ill. Reg. 19987	April, 1989
3/31/89	Department of Revenue, Property Tax/Revenue Act of 1939 (86 Ill. Adm. Code 110)	12/2/88 12 Ill. Reg. 20007	April, 1989
3/31/89	Department of Revenue, Retailers' Occupation Tax Hearings; Repeal of (86 Ill. Adm. Code 200)	12/2/88 12 Ill. Reg. 20012	April, 1989

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSECOND NOTICES RECEIVED
(page 2)

Second Notice Expires	Agency and Rule	Start of First Notice	Scheduled for Consideration by JCAR
4/3/89	Department of Insurance, Notice of Eligibility (50 Ill. Adm. Code 6701)	11/4/88 12 Ill. Reg. 17617	April, 1989
4/3/89	Department of Public Aid, Medical Payment (89 Ill. Adm. Code 140)	12/16/88 12 Ill. Reg. 20714	April, 1989
4/3/89	Illinois Commerce Commission, Uniform System of Accounts for Telecommunications Carriers (83 Ill. Adm. Code 710)	11/28/88 12 Ill. Reg. 19563	April, 1989
4/3/89	Department of Public Aid, Aid to the Aged, Blind or Disabled (89 Ill. Adm. Code 113)	12/30/88 12 Ill. Reg. 22299	April, 1989
4/3/89	Department of Public Aid, Aid to Families With Dependent Children (89 Ill. Adm. Code 112)	12/30/88 12 Ill. Reg. 22308	April, 1989
4/3/89	Department of Revenue, Board of Appeals Rules (86 Ill. Adm. Code 210)	7/1/88 12 Ill. Reg. 11060	April, 1989
4/3/89	Illinois State Scholarship Commission, General Provisions (23 Ill. Adm. Code 1700)	11/14/88 12 Ill. Reg. 18110	April, 1989
4/3/89	Illinois State Scholarship Commission, Guaranteed Loan Programs (23 Ill. Adm. Code 1720)	11/14/88 12 Ill. Reg. 18114	April, 1989
4/3/89	Illinois State Scholarship Commission, Paul Douglas Teacher Scholarship Program (23 Ill. Adm. Code 1762)	11/14/88 12 Ill. Reg. 18134	April, 1989

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSECOND NOTICES RECEIVED
(page 3)

Second Notice Expires	Agency and Rule	Start of First Notice	Scheduled for Consideration by JCAR
4/3/89	Illinois State Scholarship Commission, State Scholar Program (23 Ill. Adm. Code 1760)	11/14/88 12 Ill. Reg. 18138	April, 1989
4/3/89	Illinois Housing Development Authority, Low Income Housing Tax Credit Allocation (47 Ill. Adm. Code 350)	9/30/88 12 Ill. Reg. 15265	April, 1989
4/3/89	Department of Rehabilitation Services, Total Life Planning Program (89 Ill. Adm. Code 910)	4/1/88 12 Ill. Reg. 6005	April, 1989
4/3/89	Department of Public Aid, Reimbursement for Nursing Costs for Geriatric Facilities (89 Ill. Adm. Code 147)	10/28/88 12 Ill. Reg. 17201	April, 1989

ILLINOIS REGISTER

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PROCLAMATION

89-058

Rehabilitation Facilities Week

WHEREAS, the loss or impairment of a limb, an organ or a faculty does not mean the end of a person's productive life; and

WHEREAS, assistance with adapting to new methods of achieving productive, fulfilling lives is available to Illinois citizens through rehabilitation facilities; and

WHEREAS, physical therapy, counseling, learning the use of aids and other services help disabled individuals achieve self-sufficiency once again; and

WHEREAS, dedicated, professional staffs provide the individualized, sometimes painstaking care that makes such achievements possible;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim September 17-23, 1989, as REHABILITATION FACILITIES WEEK in Illinois, and I commend their accomplishments which benefit not only their clients, but all citizens.

Issued February 15, 1989. Filed February 21, 1989.

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PROCLAMATION

89-059

Recognizes John G. Gilbert

WHEREAS, John G. Gilbert has been an active advocate for education for over 50 years; and

WHEREAS, John G. Gilbert served as a distinguished member of the Illinois State Senate and Illinois School Problems Commission for 12 years, six of which he served as Chairman of the Senate Education Committee; and

WHEREAS, John G. Gilbert has been actively associated with Southern Illinois University and higher education in Illinois as an alumni association president and director; and

WHEREAS, John G. Gilbert has served with distinction as a member of the Illinois Board of Higher Education since 1977; and

WHEREAS, John G. Gilbert has won our respect as a lawyer, as a State Senator, as a public servant, and as an outspoken supporter of education;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, recognize the outstanding contributions of JOHN G. GILBERT and commend him for his dedication and service to the citizens of our state.

Issued February 16, 1989. Filed February 21, 1989.

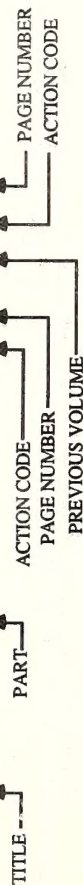
ACTION CODES
 JCAR - Joint Committee on Administrative Rules

- | | |
|---|---|
| A - Adopted Rule | P - Proposed Rule |
| AR - Adopted Repealer | PF - Prohibited Filing Ordered by JCAR |
| C - Notice of Corrections | PP - Peremptory or Court ordered Rules |
| CC - Codification Changes | PR - Proposed Repealer |
| E - Emergency Rule | R - Refusal to meet JCAR objection |
| ER - Emergency Repealer | RC - Statement of Recommendation |
| M - Modification to meet JCAR objections | S - Suspension ordered by JCAR |
| O - JCAR Statement of Objections | W - Withdrawal to meet JCAR objections |

EXAMPLE:

AGRICULTURE, DEPARTMENT OF

8 Ill. Adm. Code 285 Ill. Grain Insurance Act (P-18048/85; A-6818)



ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-9786.

AGING, DEPARTMENT ON

- 89 Ill. Adm. Code 240 Community Care Program (P-685)
- 89 Ill. Adm. Code 230 Older Americans Act Programs (P-14777/88; A-2015)

AGRICULTURE, DEPARTMENT OF

- 8 Ill. Adm. Code 255 Agrochemical Facilities (P-2571)
- 8 Ill. Adm. Code 20 Definitions (P-19178/88; W-2166)
- 8 Ill. Adm. Code 700 Farmland Preservation Act (P-14786/88; A-285) (P-2598)
- 8 Ill. Adm. Code 125 Meat & Poultry Inspection Act (PP-228) (PP-2160)

CAPITAL DEVELOPMENT BOARD

- 44 Ill. Adm. Code 910 Procurement Practices (P-1917)
- 71 Ill. Adm. Code 40 Standards for Award of Grants Elementary & Secondary Schools Capital Assistance Program (P-1283)

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF

- 80 Ill. Adm. Code 302 Merit & Fitness (P-1639)
- 80 Ill. Adm. Code 310 Pay Plan (P-20584/88; RC-1254) (P-1296)
- 80 Ill. Adm. Code 2150 Service-Connected Days Benefit Administration (P-10285/88; A-2402)
- 80 Ill. Adm. Code 2650 Solicitation for Charitable Payroll Deductions (P-6871/88; O-1256)
- 80 Ill. Adm. Code 2110 State of Ill. Dependent Care Assistance Plan (P-1) (E-214)

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF

- 89 Ill. Adm. Code 431 Confidentiality of Personal Information of Persons Served by the Department (P-11922/88; O-22457/88; R-2532; A-2407)
- 89 Ill. Adm. Code 300 Reports of Child Abuse & Neglect (P-11953/88; O-22472/88; R-2535; A-2419)

CIVIL SERVICE SYSTEM, STATE UNIVERSITIES

- 80 Ill. Adm. Code 250 State Universities Civil Service System (P-1921)

COLLEGES AND UNIVERSITIES, BOARD OF GOVERNORS OF STATE

- 44 Ill. Adm. Code 530 Joint Rules of the Board of Regents, the Board of Governors of State Colleges & Universities, the Board of Trustees of the University of Ill., & the Board of Trustees of Southern Ill. University: Procurement & Bidding (P-2648)

COMMERCE AND COMMUNITY AFFAIRS, DEPARTMENT OF

- 47 Ill. Adm. Code 160 Emergency Shelter Grants Program (P-9271/88; A-2024)
- 14 Ill. Adm. Code 590 Ill. Large Business Development Program (P-15249/88; A-2028)
- 14 Ill. Adm. Code 570 Ill. Small Business Development Program (P-20714/87; A-58)
- 14 Ill. Adm. Code 620 Labor-Management Program (P-14797/88; A-1758)
- 47 Ill. Adm. Code 120 State Administration of the Federal Community Services Block Grant Program (P-4521/88; A-779) (P-1311)
- 47 Ill. Adm. Code 100 State Administration of the Federal Low-Income Home Energy Assistance Block Grant Program (P-1930)

COMMERCE COMMISSION, ILLINOIS

- 83 Ill. Adm. Code 435 Electric Utility Forecasting (G.O.215) (PR-3)
- 83 Ill. Adm. Code 281 Energy Assistance (P-1647)
- 92 Ill. Adm. Code 1205 Fees & Taxes (P-1665)
- 92 Ill. Adm. Code 1206 Investigation & Suspension of Rates (P-1671)
- 83 Ill. Adm. Code 440 Least-Cost Planning for Electric Utilities (P-3162/88; A-296)
- 92 Ill. Adm. Code 1225 Publication, Posting & Filing of Tariffs, Contracts, Schedules & Related Documents (P-1676)
- 92 Ill. Adm. Code 1710 Relocation Towing (P-10)
- 83 Ill. Adm. Code 595 Reports of Accidents or Incidents by Persons Engaged in the Transportation of Gas, or Who Own or Operate Gas Pipeline Facilities (P-16309/88; A-2036)
- 83 Ill. Adm. Code 505 Uniform System of Accounts for Gas Utilities (P-1686)

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- 23 Ill. Adm. Code 1501 Administration of the Ill. Public Community College Act (P-16313/88; A-1182)

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- 17 Ill. Adm. Code 2030 Designation of Restricted Waters in the State of Ill. (P-13820/88; A-20472/88; CC-967) (E-2878)
- 17 Ill. Adm. Code 720 Dove Hunting (P-2609)
- 17 Ill. Adm. Code 1590 Falconry & the Captive Propagation of Raptors (P-2622)
- 17 Ill. Adm. Code 1360 Forest Fire Protection Districts Act (P-2626)
- 17 Ill. Adm. Code 570 Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Beaver & Woodchuck (Groundhog) Trapping (P-2632)
- 17 Ill. Adm. Code 220 North Point Marina (P-731)
- 17 Ill. Adm. Code 810 Sport Fishing Regs. for the Waters of Ill. (P-1690)
- 17 Ill. Adm. Code 690 Squirrel Hunting (P-2641)

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- 2 Ill. Adm. Code 850 Public Information, Rulemaking & Organization (A-1510)
- 20 Ill. Adm. Code 107 Records of Committed Persons (P-979)

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- 23 Ill. Adm. Code 230 Summer School for Gifted & Remedial Education (P-12747/88; A-1535)

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- 23 Ill. Adm. Code 2310 Functions & Planning Program (P-1319)

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- 29 Ill. Adm. Code 430 Telephone Notification of Hazardous Incidents (PR-17585/88; AR-2049)

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- 56 Ill. Adm. Code 2770 Determination of Unemployment Contributions (P-743)
- 56 Ill. Adm. Code 2020 Disqualifying Income & Reduced Benefits (P-17592/88; A-1773)
- 56 Ill. Adm. Code 2732 Employment (P-1945)
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- 35 Ill. Adm. Code 661 General Conditions of Grants for the Financing & Construction of Public Water Supply Facilities (P-1738)
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- 8 Ill. Adm. Code 1400 Ill. Farm Development Authority (P-5545/88; A-2440)

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- 38 Ill. Adm. Code 190 Ill. Credit Union Act (P-14097/88; O-22489/88; A-966)

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- 41 Ill. Adm. Code 170 Storage, Transportation, Sale & Use of Petroleum & Other Regulated Substances (P-1756) (E-1886)

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- 80 Ill. Adm. Code 1100 General Procedures (P-1327)
- 80 Ill. Adm. Code 1105 Hearing Procedures (P-1335)
- 80 Ill. Adm. Code 1110 Representation Procedures (P-1355)
- 80 Ill. Adm. Code 1120 Unfair Labor Practice Proceedings (P-1379)

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- 35 Ill. Adm. Code 720 Hazardous Waste Management System: General (P-15327/88; A-362)
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- 35 Ill. Adm. Code 725 Interim Status Standards for Owners & Operators of Hazardous Waste Treatment, Storage & Disposal Facilities (P-15402/88; A-437)
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- 35 Ill. Adm. Code 201 Permits & General Provisions (P-5154/88; O-20221/88; R-1624; A-2066)
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- 89 Ill. Adm. Code 112 Aid to Families with Dependent Children (P-15905/88; A-70) (P-1948) (P-2236)
- 89 Ill. Adm. Code 113 Aid to the Aged, Blind or Disabled (P-15898/88; A-63)
- 89 Ill. Adm. Code 111 Assistance Standards (P-15920/88; A-85)
- 89 Ill. Adm. Code 160 Child Support Enforcement (P-1396)
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77 Ill. Adm. Code 750	Food Service Sanitation Code (P-14113/88; A-1819)
77 Ill. Adm. Code 790	Ill. Formulary for the Drug Product Selection Program, The (P-12991/88; A-856) (P-16425/88; A-856)
77 Ill. Adm. Code 380	Residential Rehabilitation Facilities Code (P-987)
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TYPE OF RULEMAKING		ACTION CODES	
am	= amendment to existing Section	A	= Adopted rule
cc	= codification changes	C	= Correction
n	= new Section	CC	= Codification Changes
r	= repeal of existing Section	E	= Emergency rule
rc	= reclassified	F	= Failure to Remedy
#	= renumbered	M	= Modification
		O	= JCAR Objection
		P	= Proposed rule
		PF	= Prohibited Filing
		pp	= Preliminary rule
		R	= Refusal to Modify or Withdraw
		RC	= JCAR Recommendation
		S	= Suspended rule
		W	= Withdrawal of Proposed rule

[illegible]

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201.406	n	(P-5154/88; O-29221/88; R-1624; A-2066)	720.110	am	(P-15327/88; A-362)	2008.81	n	(P-251) (E-586)
201.407	n	(P-5154/88; O-29221/88; R-1624; A-2066)	720.111	am	(P-15327/88; A-362)	2008.82	n	(P-251) (E-586)
201.408	n	(P-5154/88; O-29221/88; R-1624; A-2066)	721.104	am	(P-15347/88; A-382)	2008.90	am	(P-251) (E-586)
211.101	am	(P-19296/88; W-2537)	721.105	am	(P-15347/88; A-382)	2008.Ap. A	am	(P-251) (E-586)
211.102	am	(P-19296/88; W-2537)	721.133	am	(P-15347/88; A-382)	2008.Ap. B	am	(P-251) (E-586)
243.108	am	(P-19290/88; W-2536)	721.134	am	(P-15347/88; A-382)	2008.Ap. C	am	(P-251) (E-586)
243.120	n	(P-19290/88; W-2536)	722.110	am	(P-15449/88; A-452)	2008.Ap. E	am	(P-251) (E-586)
251.103	n	(E-955)	724.101	am	(P-15455/88; A-458)	2008.Ap. F	n	(P-251) (E-586)
251.201	am	(E-955)	724.Ap. I	am	(P-15455/88; A-458)	2008.Ap. G	n	(P-251) (E-586)
251.202	n	(E-955)	725.101	am	(P-15402/88; A-437)	2502.10	r	(P-2234)
251.203	am	(E-955)	TITLE 38			2502.20	r	(P-2234)
251.208	am	(E-955)	190.10	am	(P-14097/88; O-22489/88; R-966)	6301.Ex. A	am	(P-14502/88; A-1780)
251.210	am	(E-955)	190.50	am	(P-14097/88; O-22489/88; R-966)	TITLE 56		
251.212	r	(E-955)	190.140	am	(P-14097/88; O-22489/88; R-966)	2090.105	am	(P-17)
251.215	am	(E-955)	190.160	am	(P-14097/88; O-22489/88; R-966)	2712.201	n	(P-15257/88; O-22482/88; R-965; A-795)
251.301	am	(E-955)	190.180	am	(P-14097/88; O-22489/88; R-966)	2712.202	n	(P-15257/88; O-22482/88; R-965; A-795)
304.220	n	(P-11397/88; A-2060)	400.110	am	(P-1985)	2712.203	n	(P-15257/88; O-22482/88; R-965; A-795)
304.302	n	(P-11669/88; A-851)	400.120	am	(P-1985)	2712.205	n	(P-15257/88; O-22482/88; R-965; A-795)
307.1508	am	(P-16396/88; A-1794)	400.130	am	(P-1985)	2712.207	n	(P-15257/88; O-22482/88; R-965; A-795)
307.1704	am	(P-16396/88; A-1794)	400.140	am	(P-1985)	2712.210	n	(P-15257/88; O-22482/88; R-965; A-795)
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307.3500	am	(P-16396/88; A-1794)	400.510	am	(P-1985)	2905.25	r	(P-2229)
307.3503	am	(P-16396/88; A-1794)	400.615	am	(P-1985)	2905.40	n	(P-2229)
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307.4004	am	(P-16396/88; A-1794)	400.710	am	(P-1985)	2712.201	n	(P-15257/88; O-22482/88; R-965; A-795)
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310.110	am	(P-16384/88; A-2463)	400.1060	am	(P-1985)	2712.205	n	(P-15257/88; O-22482/88; R-965; A-795)
378.101	n	(P-12753/88; A-1190)	400.1100	am	(P-1985)	2712.207	n	(P-15257/88; O-22482/88; R-965; A-795)
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378.202	n	(P-12753/88; A-1190)	400.1140	am	(P-1985)	2712.201	n	(P-15257/88; O-22482/88; R-965; A-795)
378.203	n	(P-12753/88; A-1190)	400.1530	am	(P-1985)	2712.202	n	(P-15257/88; O-22482/88; R-965; A-795)
378.204	n	(P-12753/88; A-1190)	400.2055	n	(P-1985)	2712.203	n	(P-15257/88; O-22482/88; R-965; A-795)
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378.Ap. A	n	(P-12753/88; A-1190)	400.2520	am	(P-1985)	2712.210	n	(P-15257/88; O-22482/88; R-965; A-795)
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220.80	am	(P-23)	1280.20	r	(P-8536/88; A-513)	380.130	n	(P-987)	380.680	n	(P-987)	450.835	r	(P-2249)
220.160	am	(P-756)	1280.30	r	(P-8536/88; A-513)	380.140	n	(P-987)	380.690	n	(P-987)	450.840	r	(P-2249)
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			1280.50	r	(P-8536/88; A-513)	380.160	n	(P-987)	380.710	n	(P-987)	450.848	r	(P-2249)
			1280.55	r	(P-8536/88; A-513)	380.170	n	(P-987)	380.720	n	(P-987)	450.850	r	(P-2249)
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			1280.70	r	(P-8536/88; A-513)	380.190	n	(P-987)	380.740	n	(P-987)	450.870	r	(P-2249)
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			1280.85	r	(P-8536/88; A-513)	380.210	n	(P-987)	380.760	n	(P-987)	450.930	am	(P-2249)
			1280.105	r	(P-8536/88; A-513)	380.220	n	(P-987)	380.770	n	(P-987)	450.940	am	(P-2249)
			1280.107	r	(P-8536/88; A-513)	380.230	n	(P-987)	380.780	n	(P-987)	450.950	am	(P-2249)
			1280.110	r	(P-8536/88; A-513)	380.240	n	(P-987)	380.790	n	(P-987)	450.1010	am	(P-2249)
			1285.20	am	(P-274) (E-651)	380.250	n	(P-987)	380.800	n	(P-987)	450.1110	am	(P-2249)
			1285.30	n	(P-8571/88; A-483)	380.260	n	(P-987)	380.810	n	(P-987)	450.1120	am	(P-2249)
			1285.40	n	(P-8571/88; A-483)	380.270	n	(P-987)	380.820	n	(P-987)	450.1130	am	(P-2249)
			1285.50	am	(P-274) (E-651)	380.280	n	(P-987)	380.830	n	(P-987)	450.1140	am	(P-2249)
			1285.60	n	(P-8571/88; A-483)	380.290	n	(P-987)	380.840	n	(P-987)	450.1150	am	(P-2249)
			1285.70	am	(P-274) (E-651)	380.300	n	(P-987)	380.850	n	(P-987)	450.1155	am	(P-2249)
			1285.80	n	(P-8571/88; A-483)	380.310	n	(P-987)	380.860	n	(P-987)	450.1200	am	(P-2249)
			1285.90	am	(P-274) (E-651)	380.320	n	(P-987)	380.870	n	(P-987)	450.1300	n	(P-2249)
			1285.100	n	(P-8571/88; A-483)	380.330	n	(P-987)	380.880	n	(P-987)	450.1310	n	(P-2249)
			1285.110	n	(P-8571/88; A-483)	380.340	n	(P-987)	380.890	n	(P-987)	450.1320	n	(P-2249)
			1285.120	n	(P-8571/88; A-483)	380.350	n	(P-987)	380.900	n	(P-987)	450.1330	n	(P-2249)
			1285.130	n	(P-8571/88; A-483)	380.360	n	(P-987)	380.910	n	(P-987)	450. Ap. A	n	(P-2249)
			1285.140	n	(P-8571/88; A-483)	380.370	n	(P-987)	450.05	n	(P-2249)	450. Ap. B	n	(P-2249)
			1400.20	am	(E-2519)	380.380	n	(P-987)	450.10	am	(P-2249)	725.5	r	(P-7265/88; A-2517)
			1400.30	am	(E-2519)	380.390	n	(P-987)	450.20	am	(P-2249)	725.10	r	(P-7265/88; A-2517)
			1400.40	am	(E-2519)	380.400	n	(P-987)	450.30	am	(P-2249)	725.10	n	(P-7272/88; A-2502)
			1400.50	am	(E-2519)	380.410	n	(P-987)	450.35	n	(P-2249)	725.15	n	(P-7272/88; A-2502)
			1465.10	n	(P-1388) (E-1616)	380.420	n	(P-987)	450.40	n	(P-2249)	725.20	n	(P-7265/88; A-2517)
			1465.20	n	(P-1388) (E-1616)	380.430	n	(P-987)	450.45	n	(P-2249)	725.30	r	(P-7265/88; A-2517)
			1465.30	n	(P-1388) (E-1616)	380.440	n	(P-987)	450.50	n	(P-2249)	725.30	n	(P-7272/88; A-2502)
			1465.40	n	(P-1388) (E-1616)	380.450	n	(P-987)	450.210	am	(P-2249)	725.30	n	(P-7272/88; A-2502)
			1465.50	n	(P-1388) (E-1616)	380.460	n	(P-987)	450.220	am	(P-2249)	725.40	r	(P-7265/88; A-2517)
			1465.60	n	(P-1388) (E-1616)	380.470	n	(P-987)	450.230	am	(P-2249)	725.40	n	(P-7272/88; A-2502)
			1465.70	n	(P-1388)	380.480	n	(P-987)	450.310	am	(P-2249)	725.41	n	(P-7272/88; A-2502)
			1465.80	n	(P-1388)	380.490	n	(P-987)	450.320	am	(P-2249)	725.42	n	(P-7272/88; A-2502)
			1465.90	n	(P-1388)	380.500	n	(P-987)	450.330	am	(P-2249)	725.43	n	(P-7272/88; A-2502)
						380.510	n	(P-987)	450.410	am	(P-2249)	725.44	n	(P-7272/88; A-2502)
						380.520	n	(P-987)	450.420	am	(P-2249)	725.45	r	(P-7265/88; A-2517)
						380.530	n	(P-987)	450.430	am	(P-2249)	725.50	r	(P-7265/88; A-2517)
						380.540	n	(P-987)	450.440	am	(P-2249)	725.50	n	(P-7272/88; A-2502)
						380.550	n	(P-987)	450.450	am	(P-2249)	725.51	n	(P-7272/88; A-2502)
						380.560	n	(P-987)	450.510	am	(P-2249)	725.60	r	(P-7265/88; A-2517)
						380.570	n	(P-987)	450.520	am	(P-2249)	725.60	n	(P-7272/88; A-2502)
						380.580	n	(P-987)	450.530	r	(P-2249)	725.65	r	(P-7265/88; A-2517)
						380.590	n	(P-987)	450.540	r	(P-2249)	725.70	r	(P-7265/88; A-2517)
						380.600	n	(P-987)	450.550	r	(P-2249)	725.70	n	(P-7272/88; A-2502)
						380.610	n	(P-987)	450.560	r	(P-2249)	725.71	n	(P-7272/88; A-2502)
						380.620	n	(P-987)	450.570	r	(P-2249)	725.80	r	(P-7265/88; A-2517)
						380.630	n	(P-987)	450.610	am	(P-2249)	725.80	n	(P-7272/88; A-2502)
						380.640	n	(P-987)	450.710	am	(P-2249)	750.10	am	(P-14113/88; A-1819)
						380.650	n	(P-987)	450.720	am	(P-2249)	750.140	am	(P-14113/88; A-1819)
						380.660	n	(P-987)	450.730	am	(P-2249)	760.20	am	(P-14115/88; A-1830)
									450.810	r	(P-2249)	760.150	am	(P-14115/88; A-1830)
									450.820	r	(P-2249)	790.460	am	(P-12991/88; P-16425/88; A-856)

TITLE 77 (CONT'D)		
790.500	am	(P-1299/188; P-16425/88; A-856)
790.540	am	(P-1299/188; P-16425/88; A-856)
790.580	am	(P-16425/88; A-856)
790.600	am	(P-16425/88; A-856)
790.630	am	(P-1299/188; A-856)
790.799	n	(P-1299/188; A-856)
790.799	am	(P-16425/88; A-856)
790.860	am	(P-16425/88; A-856)
790.900	am	(P-16425/88; A-856)
790.900	am	(P-16425/88; A-856)
790.90.5	am	(P-16425/88; A-856)
790.910	am	(P-1299/188; A-856)
790.940	am	(P-1299/188; A-856)
790.974	am	(P-16425/88; A-856)
790.1060	am	(P-1299/188; A-856)
790.1100	r	(P-16425/88; A-856)
790.1125	n	(P-16425/88; A-856)
790.1127	n	(P-16425/88; A-856)
790.1129	n	(P-16425/88; A-856)
790.1131	n	(P-16425/88; A-856)
790.1300	am	(P-16425/88; A-856)
790.1345	am	(P-16425/88; A-856)
790.1440	n	(P-16425/88; A-856)
790.1460	am	(P-16425/88; A-856)
790.1560	n	(P-1299/188; P-16425/88; A-856)
790.1570	n	(P-16425/88; A-856)
790.1577	am	(P-16425/88; A-856)
790.1620	am	(P-1299/188; A-856)
790.1660	am	(P-16425/88; A-856)
790.1685	am	(P-1299/188; A-856)
790.1721	am	(P-16425/88; A-856)
790.1740	am	(P-16425/88; A-856)
790.1930	am	(P-16425/88; A-856)
790.2060	am	(P-16425/88; A-856)
790.2097	am	(P-1299/188; A-856)
790.2140	am	(P-1299/188; P-16425/88; A-856)
790.2180	am	(P-16425/88; A-856)
790.2260	am	(P-16425/88; A-856)
790.2340	am	(P-16425/88; A-856)
790.2380	am	(P-16425/88; A-856)
790.2500	am	(P-1299/188; P-16425/88; A-856)
790.2540	am	(P-16425/88; A-856)
790.2580	am	(P-16425/88; A-856)
790.2605	am	(P-1299/188; P-16425/88; A-856)
790.2613	am	(P-16425/88; A-856)
790.2617	am	(P-16425/88; A-856)
790.2618	am	(P-1299/188; P-16425/88; A-856)
790.2780	am	(P-16425/88; A-856)
790.2860	am	(P-16425/88; A-856)
790.2900	am	(P-16425/88; A-856)
790.2904	am	(P-16425/88; A-856)
790.2928	r	(P-16425/88; A-856)
790.2928	n	(P-1299/188; A-856)
790.2932	am	(P-16425/88; A-856)
790.3020	am	(P-16425/88; A-856)
790.3027	am	(P-16425/88; A-856)
790.3085	am	(P-16425/88; A-856)

TITLE 77 (CONT'D)		
790.3100	am	(P-16425/88; A-856)
790.3300	am	(P-16425/88; A-856)
790.3335	am	(P-16425/88; A-856)
790.3340	am	(P-12991/88; P-16425/88; A-856)
790.3420	am	(P-12991/88; A-856)
790.3437	am	(P-16425/88; A-856)
790.3440	n	(P-12991/88; A-856)
790.3445	n	(P-16425/88; A-856)
790.3475	am	(P-16425/88; A-856)
790.3500	am	(P-16425/88; A-856)
790.3540	am	(P-16425/88; A-856)
790.3620	am	(P-12991/88; P-16425/88; A-856)
790.3720	n	(P-16425/88; A-856)
790.3900	am	(P-16425/88; A-856)
790.3907	am	(P-12991/88; A-856)
790.3910	n	(P-12991/88; P-16425/88; A-856)
790.3945	am	(P-16425/88; A-856)
790.4012	am	(P-16425/88; A-856)
790.4040	am	(P-16425/88; A-856)
790.4060	am	(P-16425/88; A-856)
790.4100	am	(P-12991/88; P-16425/88; A-856)
790.4220	am	(P-16425/88; A-856)
790.4396	am	(P-12991/88; A-856)
790.4398	am	(P-12991/88; P-16425/88; A-856)
790.4430	am	(P-16425/88; A-856)
790.4460	am	(P-16425/88; A-856)
790.4580	am	(P-16425/88; A-856)
790.4620	am	(P-16425/88; A-856)
790.4660	am	(P-16425/88; A-856)
790.4670	am	(P-12991/88; A-856)
790.4680	am	(P-12991/88; A-856)
790.4720	am	(P-12991/88; P-16425/88; A-856)
790.4740	am	(P-12991/88; P-16425/88; A-856)
790.4820	am	(P-16425/88; A-856)
790.4960	n	(P-16425/88; A-856)
790.5060	am	(P-16425/88; A-856)
790.5140	am	(P-12991/88; P-16425/88; A-856)
790.5180	am	(P-16425/88; A-856)
790.5220	am	(P-12991/88; A-856)
790.5300	am	(P-16425/88; A-856)
790.5312	am	(P-12991/88; A-856)
790.5420	am	(P-16425/88; A-856)
790.5483	am	(P-12991/88; P-16425/88; A-856)
790.5520	am	(P-16425/88; A-856)
790.5530	am	(P-16425/88; A-856)
790.5540	am	(P-16425/88; A-856)
790.5544	am	(P-12991/88; P-16425/88; A-856)
790.5560	n	(P-16425/88; A-856)
790.5620	am	(P-12991/88; P-16425/88; A-856)
790.5640	am	(P-12991/88; A-856)
790.5792	am	(P-12991/88; P-16425/88; A-856)
790.5795	am	(P-16425/88; A-856)
790.5807	am	(P-16425/88; A-856)
790.5820	am	(P-12991/88; P-16425/88; A-856)
790.5830	am	(P-12991/88; P-16425/88; A-856)
790.5837	n	(P-12991/88; A-856)

TITLE 77 (CONT'D)	
790.5840	am (P-16425/88; A-856)
790.5872	am (P-16425/88; A-856)
790.5893	am (P-16425/88; A-856)
790.5900	am (P-16425/88; A-856)
790.5924	am (P-1299/188; A-856)
790.5940	am (P-1299/188; P-16425/88; A-856)
790.5980	am (P-16425/88; A-856)
790.6140	am (P-16425/88; A-856)
790.6260	am (P-16425/88; A-856)
790.6275	am (P-1299/188; P-16425/88; A-856)
790.6280	am (P-16425/88; A-856)
790.6284	am (P-16425/88; A-856)
790.6370	am (P-1299/188; A-856)
790.6375	n (P-16425/88; A-856)
790.6435	am (P-16425/88; A-856)
790.6450	am (P-16425/88; A-856)
790.6452	n (P-16425/88; A-856)
790.6454	am (P-1299/188; P-16425/88; A-856)
790.6456	am (P-16425/88; A-856)
790.6540	am (P-16425/88; A-856)
790.6580	am (P-16425/88; A-856)
790.6621	am (P-16425/88; A-856)
790.6670	am (P-16425/88; A-856)
790.6740	am (P-16425/88; A-856)
790.6875	am (P-1299/188; P-16425/88; A-856)
790.6946	am (P-1299/188; A-856)
790.6960	n (P-1299/188; P-16425/88; A-856)
790.6980	am (P-16425/88; A-856)
790.7020	am (P-16425/88; A-856)
790.7140	am (P-16425/88; A-856)
790.7180	am (P-16425/88; A-856)
790.7181	n (P-16425/88; A-856)
790.7260	am (P-16425/88; A-856)
790.7265	n (P-16425/88; A-856)
790.7280	am (P-16425/88; A-856)
790.7288	n (P-16425/88; A-856)
790.7400	am (P-1299/188; A-856)
790.7500	am (P-16425/88; A-856)
790.7540	am (P-1299/188; P-16425/88; A-856)
790.7700	am (P-16425/88; A-856)
790.7828	am (P-1299/188; P-16425/88; A-856)
790.8378	am (P-16425/88; A-856)
790.8380	am (P-16425/88; A-856)
790.8580	am (P-16425/88; A-856)
790.8700	am (P-16425/88; A-856)
790.8900	am (P-16425/88; A-856)
790.8940	am (P-16425/88; A-856)
790.9020	am (P-1299/188; A-856)
790.9060	am (P-1299/188; P-16425/88; A-856)
790.9084	am (P-1299/188; A-856)
790.9146	am (P-16425/88; A-856)
790.9486	am (P-1299/188; P-16425/88; A-856)
790.9500	am (P-1299/188; P-16425/88; A-856)
790.9530	am (P-1299/188; P-16425/88; A-856)
830.10	am (P-3325/88; A-2090)

TITLE 77 (CONT'D)		
830.20	n	(P-3325/88; A-2090)
830.100	am	(P-3325/88; A-2090)
830.110	am	(P-3325/88; A-2090)
830.120	am	(P-3325/88; A-2090)
830.130	am	(P-3325/88; A-2090)
830.140	am	(P-3325/88; A-2090)
830.150	r	(P-3325/88; A-2090)
830.160	r	(P-3325/88; A-2090)
830.170	r	(P-3325/88; A-2090)
830.180	am	(P-3325/88; A-2090)
830.190	n	(P-3325/88; A-2090)
830.200	am	(P-3325/88; A-2090)
830.210	n	(P-3325/88; A-2090)
830.220	n	(P-3325/88; A-2090)
830.230	n	(P-3325/88; A-2090)
830.240	n	(P-3325/88; A-2090)
830.250	am	(P-3325/88; A-2090)
830.260	am	(P-3325/88; A-2090)
830.270	am	(P-3325/88; A-2090)
830.280	r	(P-3325/88; A-2090)
830.290	n	(P-3325/88; A-2090)
830.300	n	(P-3325/88; A-2090)
830.310	n	(P-3325/88; A-2090)
830.315	r	(P-3325/88; A-2090)
830.340	am	(P-3325/88; A-2090)
830.410	am	(P-3325/88; A-2090)
830.420	r	(P-3325/88; A-2090)
830.430	am	(P-3325/88; A-2090)
830.440	am	(P-3325/88; A-2090)
830.450	am	(P-3325/88; A-2090)
830.460	am	(P-3325/88; A-2090)
830.500	am	(P-3325/88; A-2090)
830.510	r	(P-3325/88; A-2090)
830.520	am	(P-3325/88; A-2090)
830.530	am	(P-3325/88; A-2090)
830.540	am	(P-3325/88; A-2090)
830.560	r	(P-3325/88; A-2090)
830.570	r	(P-3325/88; A-2090)
830.600	am	(P-3325/88; A-2090)
830.610	r	(P-3325/88; A-2090)
830.620	am	(P-3325/88; A-2090)
830.630	am	(P-3325/88; A-2090)
830.640	am	(P-3325/88; A-2090)
830.650	am	(P-3325/88; A-2090)
830.660	am	(P-3325/88; A-2090)
830.670	r	(P-3325/88; A-2090)
830.700	am	(P-3325/88; A-2090)
830.800	n	(P-3325/88; A-2090)
830.820	am	(P-3325/88; A-2090)
830.830	n	(P-3325/88; A-2090)
830.840	n	(P-3325/88; A-2090)
830.850	n	(P-3325/88; A-2090)
830.860	n	(P-3325/88; A-2090)
830.870	n	(P-3325/88; A-2090)
830.11.A	n	(P-3325/88; A-2090)
830.11.B	n	(P-3325/88; A-2090)

2510.50	am	(P-13694/88; A-334)
TITLE 77 (CONT'D)		
TITLE 80		
250.70	am	(P-1921)
302.190	am	(P-1639)
302.200	am	(P-1639)
302.625	am	(P-1639)
310.30	am	(P-1296)
310.230	am	(P-1296)
310.280	am	(P-1296)
310.290	am	(P-1296)
310.320	am	(P-1296)
310.4p. A	am	(P-20584/88; RC-1254)
Tb. P	am	(P-20584/88; RC-1254)*
1100.10	am	(P-1327)
1100.20	am	(P-1327)
1100.30	am	(P-1327)
1100.40	am	(P-1327)
1100.50	am	(P-1327)
1100.70	am	(P-1327)
1100.80	am	(P-1327)
1100.90	n	(P-1327)
1100.100	n	(P-1327)
1105.10	am	(P-1335)
1105.20	am	(P-1335)
1105.30	am	(P-1335)
1105.40	am	(P-1335)
1105.50	am	(P-1335)
1105.80	am	(P-1335)
1105.100	am	(P-1335)
1105.110	am	(P-1335)
1105.120	am	(P-1335)
1105.130	r	(P-1335)
1105.140	am	(P-1335)
1105.150	am	(P-1335)
1105.160	am	(P-1335)
1105.170	am	(P-1335)
1105.220	am	(P-1335)
1110.40	am	(P-1355)
1110.50	am	(P-1355)
1110.60	am	(P-1355)
1110.70	r	(P-1355)
1110.70	n	(P-1355)
1110.80	am	(P-1355)
1110.90	am	(P-1355)
1110.100	am	(P-1355)
1110.110	am	(P-1355)
1110.140	am	(P-1355)
1110.150	am	(P-1355)
1110.160	am	(P-1355)
1110.170	am	(P-1355)
1110.180	n	(P-1355)
1120.20	am	(P-1379)
1120.30	am	(P-1379)
1120.40	am	(P-1379)
1120.50	am	(P-1379)

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1125.20	am	(P-16375/88; A-1784)
1125.30	am	(P-16375/88; A-1784)
1125.50	r	(P-16375/88; A-1784)
1125.70	am	(P-16375/88; A-1784)
1125.80	am	(P-16375/88; O-22478/88; R-1905; A-1784)
1125.90	r	(P-16375/88; A-1784)
1125.100	n	(P-16375/88; A-1784)
1570.40	am	(P-14122/88; O-22492/88; R-1626; A-1577)
1570.60	r	(R-1626; A-1577)
1570.70	am	(R-1626; A-1577)
1570.80	am	(R-1626; A-1577)
1570.90	am	(R-1626; A-1577)
1570.100	am	(R-1626; A-1577)
1570.110	r	(R-1626; A-1577)
1570.150	r	(R-1626; A-1577)
1570.160	am	(R-1626; A-1577)
2110.30	am	(P-1) (E-214)
2110.320	am	(P-1) (E-214)
2110.330	am	(P-1) (E-214)
2110.510	am	(P-1) (E-214)
2110.530	am	(P-1) (E-214)
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2150.5	n	(P-10285/88; A-2402)
2650.1	n	(P-6871/88; O-1256)
2650.5	n	(P-6871/88; O-1256)
2650.10	n	(P-6871/88; O-1256)
2650.15	n	(P-6871/88; O-1256)
2650.20	n	(P-6871/88; O-1256)
2650.25	n	(P-6871/88; O-1256)
2650.30	n	(P-6871/88; O-1256)
2700.200	am	(P-253) (E-629)
2700.440	am	(P-253) (E-629)
2700.620	am	(P-253) (E-629)
2700.630	am	(P-253) (E-629)
2700.650	am	(P-253) (E-629)
2700.700	am	(P-253) (E-629)
2700.710	am	(P-253) (E-629)
2700.720	am	(P-253) (E-629)
2700.730	am	(P-253) (E-629)
2700.735	n	(P-253) (E-629)
2700.740	am	(P-253) (E-629)
2700.750	am	(P-253) (E-629)
2700.820	am	(P-253) (E-629)
2700.920	am	(P-253) (E-629)
2700. Ap. A	am	(P-253) (E-629)
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151.105	n	(P-1498)
151.110	n	(P-1498)
151.115	n	(P-1498)
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432.110	n	(P-1502788; A-191)
432.120	n	(P-1502788; A-191)
432.130	n	(P-1502788; A-191)
432.140	n	(P-1502788; A-191)
432.150	n	(P-1502788; A-191)
432.160	n	(P-1502788; A-191)
432.170	n	(P-1502788; A-191)
432.180	n	(P-1502788; A-191)
432.190	n	(P-1502788; A-191)
432.200	n	(P-1502788; A-191)
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600.105	n	(P-1448)
600.110	n	(P-1448)
600.115	n	(P-1448)
600.120	n	(P-1448)
600.125	n	(P-1448)
600.130	n	(P-1448)
600.135	n	(P-1448)
610.101	n	(P-1460)
610.105	n	(P-1460)
610.110	n	(P-1460)
610.115	n	(P-1460)
610.120	n	(P-1460)
610.125	n	(P-1460)
610.130	n	(P-1460)
610.135	n	(P-1460)
620.101	n	(P-1468)
620.105	n	(P-1468)
620.110	n	(P-1468)
620.115	n	(P-1468)
620.120	n	(P-1468)
630.101	n	(P-1473)
630.105	n	(P-1473)
630.110	n	(P-1473)
630.115	n	(P-1473)
630.120	n	(P-1473)
630.125	n	(P-1473)
630.130	n	(P-1473)
630.135	n	(P-1473)
640.101	n	(P-1485)
640.105	n	(P-1485)
640.110	n	(P-1485)
640.115	n	(P-1485)
640.120	n	(P-1485)
640.125	n	(P-1485)
640.130	n	(P-1485)
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650,110	n	(P-1493)
650,115	n	(P-1493)
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112,40	am	(P-1505/88; A-70)
112,48	am	(P-1505/88; A-70)
112,52	am	(P-1505/88; A-70)
112,55	am	(P-1505/88; A-70)
112,254	am	(P-1505/88; A-70)
113,142	am	(P-1505/88; A-70)
113,142	am	(P-1505/88; A-70)
114,127	am	(P-1505/88; A-70)
114,128	am	(P-1505/88; A-70)
114,351	am	(P-1505/88; A-70)
114,352	am	(P-1505/88; A-70)
114,353	am	(P-1505/88; A-70)
120,40	am	(P-1505/88; A-70)
120,382	am	(P-1505/88; A-70)
140,100	am	(P-1505/88; A-70)
140,400	am	(P-1505/88; A-70)
140,441	am	(P-1505/88; A-70)
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111,101	am	(P-1512/88; A-89)
112,40	am	(P-1512/88; A-89)
112,48	am	(P-1512/88; A-89)
112,52	am	(P-1512/88; A-89)
112,55	am	(P-1512/88; A-89)
112,254	am	(P-1512/88; A-89)
113,142	am	(P-1512/88; A-89)
113,142	am	(P-1512/88; A-89)
114,127	am	(P-1512/88; A-89)
114,128	am	(P-1512/88; A-89)
114,351	am	(P-1512/88; A-89)
114,352	am	(P-1512/88; A-89)
114,353	am	(P-1512/88; A-89)
120,40	am	(P-1512/88; A-89)
120,382	am	(P-1512/88; A-89)
140,100	am	(P-1512/88; A-89)
140,400	am	(P-1512/88; A-89)
140,441	am	(P-1512/88; A-89)
140,443	am	(P-1512/88; A-89)
140,445	am	(P-1512/88; A-89)

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112,40	am	(P-1519/88; A-85)
112,48	am	(P-1519/88; A-85)
112,52	am	(P-1519/88; A-85)
112,55	am	(P-1519/88; A-85)
112,254	am	(P-1519/88; A-85)
113,142	am	(P-1519/88; A-85)
113,142	am	(P-1519/88; A-85)
114,127	am	(P-1519/88; A-85)
114,128	am	(P-1519/88; A-85)
114,351	am	(P-1519/88; A-85)
114,352	am	(P-1519/88; A-85)
114,353	am	(P-1519/88; A-85)
120,40	am	(P-1519/88; A-85)
120,382	am	(P-1519/88; A-85)
140,100	am	(P-1519/88; A-85)
140,400	am	(P-1519/88; A-85)
140,441	am	(P-1519/88; A-85)
140,443	am	(P-1519/88; A-85)
140,445	am	(P-1519/88; A-85)

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112,40	am	(P-1526/88; A-89)
112,48	am	(P-1526/88; A-89)
112,52	am	(P-1526/88; A-89)
112,55	am	(P-1526/88; A-89)
112,254	am	(P-1526/88; A-89)
113,142	am	(P-1526/88; A-89)
113,142	am	(P-1526/88; A-89)
114,127	am	(P-1526/88; A-89)
114,128	am	(P-1526/88; A-89)
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147.100	am	(P-10627/88; A-559)	530.20	r	(P-3565/88; A-141)
147.7b. A	am	(P-10627/88; O-20231/88; R-667; A-559)	530.100	r	(P-3565/88; A-141)
147.7b. B	am	(P-10627/88; O-20231/88 R-667; A-559)	530.105	r	(P-3565/88; A-141)
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160.10	am	(P-1396)	530.130	am	(P-3565/88; A-141)
160.100	n	(P-1396)	530.140	am	(P-3565/88; A-141)
160.110	n	(P-1396)	530.150	r	(P-3565/88; A-141)
160.120	n	(P-1396)	530.200	n	(P-3565/88; A-141)
160.130	n	(P-1396)	530.220	n	(P-3565/88; A-141)
160.140	n	(P-1396)	530.240	n	(P-3565/88; A-141)
160.150	n	(P-1396)	530.260	n	(P-3565/88; A-141)
160.160	n	(P-1396)	552.40	am	(P-277)
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240.1410	am	(P-685)	592.45	n	(P-2092/88; A-1573)
240.1420	am	(P-685)	597.20	am	(P-2197/88; A-1568)
240.1430	n	(P-685)	597.150	n	(P-2197/88; A-1568)
240.1440	n	(P-685)	607.60	am	(P-56) (E-225)
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240.1715	n	(P-685)	545.100	n	(P-1111)
240.1718	n	(P-685)	545.200	n	(P-1111)
240.1720	n	(P-685)	545.300	n	(P-1111)
240.1722	n	(P-685)	545.400	n	(P-1111)
240.1725	n	(P-685)	708.80	am	(P-1503)
240.1730	n	(P-685)	708.90	am	(P-1503)
240.1735	n	(P-685)	708.180	am	(P-1503)
240.1737	n	(P-685)	1010.240	am	(P-1103)
240.1738	n	(P-685)	1010.440	am	(P-16432/88; A-1598)
240.1739	n	(P-685)	1030.85	am	(P-2395)
240.1960	n	(P-685)	1040.66	n	(P-15947/88; A-1593)
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300.30	am	(P-11953/88; A-2419)	1206.20	am	(P-1671)
300.90	am	(P-11953/88; A-2419)	1225.45	am	(P-1676)
300.100	am	(P-11953/88; A-2419)	1710.160	am	(P-10)
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300.140	am	(P-11953/88; A-2419)	731.102	r	(P-2650)
300.160	am	(P-11953/88; A-2419)	731.103	r	(P-2650)
431.5	am	(P-11922/88; O-22457/88; R-2532; A-2407)	731.110	n	(P-2650)
431.6	am	(P-11922/88; A-2407)	731.111	n	(P-2650)
431.7	am	(P-11922/88; A-2407)	731.112	n	(P-2650)
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			731.114	n	(P-2650)
			731.120	n	(P-2650)

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731.122	n	(P-2571)	731.122	n	(P-2650)
731.130	n	(P-2571)	731.130	n	(P-2650)
731.131	n	(P-2571)	731.131	n	(P-2650)
731.132	n	(P-2571)	731.132	n	(P-2650)
731.133	n	(P-2571)	731.133	n	(P-2650)
731.134	n	(P-2571)	731.134	n	(P-2650)
731.140	n	(P-2571)	731.140	n	(P-2650)
731.141	n	(P-2571)	731.141	n	(P-2650)
731.142	n	(P-2571)	731.142	n	(P-2650)
731.143	n	(P-2571)	731.143	n	(P-2650)
731.144	n	(P-2571)	731.144	n	(P-2650)
731.145	n	(P-2571)	731.145	n	(P-2650)
731.150	n	(P-2571)	731.150	n	(P-2650)
731.151	n	(P-2571)	731.151	n	(P-2650)
731.152	n	(P-2571)	731.152	n	(P-2650)
731.153	n	(P-2571)	731.153	n	(P-2650)
731.160	n	(P-2571)	731.160	n	(P-2650)
731.161	n	(P-2571)	731.161	n	(P-2650)
731.162	n	(P-2571)	731.162	n	(P-2650)
731.163	n	(P-2571)	731.163	n	(P-2650)
731.164	n	(P-2571)	731.164	n	(P-2650)
731.165	n	(P-2571)	731.165	n	(P-2650)
731.166	n	(P-2571)	731.166	n	(P-2650)
731.167	n	(P-2571)	731.167	n	(P-2650)
731.170	n	(P-2571)	731.170	n	(P-2650)
731.171	n	(P-2571)	731.171	n	(P-2650)
731.172	n	(P-2571)	731.172	n	(P-2650)
731.173	n	(P-2571)	731.173	n	(P-2650)
731.174	n	(P-2571)	731.174	n	(P-2650)
731.900	r	(P-2571)	731.900	r	(P-2650)

TITLE 44			TITLE 44		
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525.10	am	(P-2709)	525.10	am	(P-2709)
525.20	am	(P-2709)	525.20	am	(P-2709)
525.50	n	(P-2709)	525.50	n	(P-2709)
525.60	n	(P-2709)	525.60	n	(P-2709)
525.70	#	(P-2709)	525.70	#	(P-2709)
525.70	am	(P-2709)	525.70	am	(P-2709)
525.100	am	(P-2709)	525.100	am	(P-2709)
525.110	am	(P-2709)	525.110	am	(P-2709)
525.200	#	(P-2709)	525.200	#	(P-2709)
525.300	am	(P-2709)	525.300	am	(P-2709)
525.310	r	(P-2709)	525.310	r	(P-2709)
525.320	am	(P-2709)	525.320	am	(P-2709)
525.330	am	(P-2709)	525.330	am	(P-2709)
525.340	am	(P-2709)	525.340	am	(P-2709)
525.350	am	(P-2709)	525.350	am	(P-2709)
525.400	am	(P-2709)	525.400	am	(P-2709)
525.410	am	(P-2709)	525.410	am	(P-2709)
525.500	am	(P-2709)	525.500	am	(P-2709)

TITLE 44 (CONT'D)		
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525.520	am	(P-2709)
525.530	am	(P-2709)
525.540	am	(P-2709)
525.550	am	(P-2709)
525.560	am	(P-2709)
525.570	am	(P-2709)
525.580	am	(P-2709)
525.590	am	(P-2709)
525.600	am	(P-2709)
525.610	am	(P-2709)
525.620	am	(P-2709)
525.630	am	(P-2709)
525.640	am	(P-2709)
525.650	am	(P-2709)
525.660	am	(P-2709)
525.670	am	(P-2709)
525.700	am	(P-2709)
525.710	am	(P-2709)
525.720	am	(P-2709)
526.10	n	(P-2746)
526.20	n	(P-2746)
526.30	n	(P-2746)
526.40	n	(P-2746)
526.50	n	(P-2746)
526.60	n	(P-2746)
526.70	n	(P-2746)
530.5	r	(P-2648)
530.10	am	(P-2648)
530.20	am	(P-2648)
530.30	am	(P-2648)
530.40	am	(P-2648)
530.50	am	(P-2648)
530.60	n	(P-2648)
530.70	#	(P-2648)
530.70	am	(P-2648)
530.70	am	(P-2648)
530.100	am	(P-2648)
530.110	am	(P-2648)
530.200	#	(P-2648)
530.300	am	(P-2648)
530.310	r	(P-2648)
530.320	am	(P-2648)
530.330	am	(P-2648)
530.340	am	(P-2648)
530.350	am	(P-2648)
530.400	am	(P-2648)
530.410	am	(P-2648)
530.500	am	(P-2648)
530.510	am	(P-2648)
530.520	am	(P-2648)
530.530	am	(P-2648)
530.540	n	(P-2648)
530.600	am	(P-2648)
530.610	am	(P-2648)
530.620	am	(P-2648)
530.630	am	(P-2648)
530.640	am	(P-2648)
530.650	am	(P-2648)
530.660	am	(P-2648)
530.670	am	(P-2648)
530.700	am	(P-2648)
530.710	am	(P-2648)
530.720	am	(P-2648)

TITLE 44 (CONT'D)	
535.5	r (P-2766)
535.10	am (P-2766)
535.20	am (P-2766)
535.30	n (P-2766)
535.50	n (P-2766)
535.60	n (P-2766)
535.70	# (P-2766)
535.70	am (P-2766)
535.100	am (P-2766)
535.110	am (P-2766)
535.200	# (P-2766)
535.300	am (P-2766)
535.310	r (P-2766)
535.320	am (P-2766)
535.330	am (P-2766)
535.340	am (P-2766)
535.350	am (P-2766)
535.350	am (P-2766)
535.400	am (P-2766)
535.410	am (P-2766)
535.500	am (P-2766)
535.510	am (P-2766)
535.520	am (P-2766)
535.530	am (P-2766)
535.540	n (P-2766)
535.600	am (P-2766)
535.610	am (P-2766)
535.620	am (P-2766)
535.630	am (P-2766)
535.640	am (P-2766)
535.650	am (P-2766)
535.660	am (P-2766)
535.670	am (P-2766)
535.700	am (P-2766)
535.710	am (P-2766)
535.720	am (P-2766)
540.5	r (P-2764)
540.10	am (P-2764)
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540.410	am (P-2764)
540.500	am (P-2764)
540.510	am (P-2764)
540.520	am (P-2764)
540.530	am (P-2764)

TITLE 44 (CONT'D)		TITLE 47	
540.540	n (P-2764)	855.10	am (A-2768)
540.600	am (P-2764)	855.20	am (A-2768)
540.610	am (P-2764)	855.50	am (A-2768)
540.620	am (P-2764)	855.55	n (A-2768)
540.630	am (P-2764)	855.60	am (A-2768)
540.640	am (P-2764)	855.70	am (A-2768)
540.650	am (P-2764)	855.80	am (A-2768)
540.660	am (P-2764)	855.130	am (A-2766)
540.670	am (P-2764)	855.140	am (A-2768)
540.670	am (P-2764)	855.180	am (A-2768)
540.700	am (P-2764)	855.220	am (A-2768)
540.710	am (P-2764)	855.240	am (A-2768)
540.720	am (P-2764)	855.260	am (A-2768)
		855.270	am (A-2768)
		855.275	n (A-2768)
		855.280	am (A-2768)
		855.300	am (A-2768)
		855.330	n (A-2768)
		855.340	n (A-2768)
		855.345	n (A-2768)
		855.350	n (A-2768)
		855.355	n (A-2768)
		855.360	n (A-2768)
		855.Ap. A	am (A-2768)
		855.Ap. B	am (A-2768)
		855.Ap. B	am (A-2768)
		II. A	n (A-2768)
		II. B	n (A-2768)
		II. C	n (A-2768)
		II. D	n (A-2768)
		II. E	n (A-2768)
		II. F	n (A-2768)
		II. G	n (A-2768)
		II. H	n (A-2768)
		II. I	n (A-2768)
		855.Ap. C	n (A-2768)
		II. A	n (A-2768)
		II. B	n (A-2768)
		II. C	n (A-2768)
		II. D	n (A-2768)
		II. E	n (A-2768)
		II. F	n (A-2768)

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